

93-5430

## EDITOR'S NOTE

The court has not yet denied review in this case,  
but it is being handled here as a CD because the  
effect of denying the petition to proceed  
*in forma pauperis*

is to prevent its further consideration by the court unless the  
petitioner, who has already indicated that he has not assets,  
pays the docketing fee and it proceeds as a paid case.  
The court's action in this matter may be of sufficient interest  
to warrant its inclusion in this service even though it  
fall outside of the normal definition of Certiorari Denied.

Although this case is being covered here, separate fiche are not being provided  
for the other cases covered by this order. Our editors believe that this one  
case is sufficient to illustrate the court's opinion that all of the cases are  
"demonstrably frivolous."

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

NO. 93-5430

Supreme Court, U.S.  
FILED

JUL-27 1993

OFFICE OF THE CLERK

ROY A. DAY,  
Petitioner

v.

Donald P. Day,  
"INDEMNIFIED"-Respondent  
(NOT "true and correct" Respondent)

PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

ROY A. DAY  
P. O. BOX 33  
TARPON SPRINGS, FLORIDA 34688-0033

THIS PETITION IS A "CALL TO ARMS" FOR EACH AND EVERY CITIZEN, SO THE JUDICIAL BRANCH OF GOVERNMENT CAN BE RETURNED TO THE PEOPLE (SEE THE ATTACHED "LEGAL BOOK" COVER ART AND "THE LEGAL PARTY" STATEMENT ON PAGES "i" and "ii", ATTACHED HERETO).

NOTE: Since the evidence on the face of the record in Petition For Writ Of Certiorari No. 90-6620 and 90-6848, and each and all Petitions For Writ Of Certiorari filed by Petitioner Roy A. Day to this "corrupt court" of "illegal licensed attorneys", show that it is an exercise in futility to write a PETITION FOR WRIT OF CERTIORARI as a "citizen-attorney" and/or pauper litigant to the Supreme Court of the United States, and that this court considers "citizen-attorneys" and/or pauper citizens "non-citizens" with "NO" rights, the instant PETITION FOR WRIT OF CERTIORARI is written for "THE LEGAL BOOK" and "THE LEGAL PARTY" to produce additional evidence for the citizens of the United States and the citizens of the evolving "global-world-village" that the present "legal system" is "totally corrupt" in the United States and a citizen must pay "bribes" to judges to have the law and facts and evidence admitted. Of course, the instant PETITION FOR WRIT OF CERTIORARI is also filed to protect Appellant's rights and property when the judicial branch of government is once again controlled "by and for the people" and "not" "illegal licensed attorneys" and a "privilege class" of citizen. This Court in Petition For Writ Of Certiorari No. 90-6620 and 90-6848, inter alia, refused and continued to refuse to admit the law and facts and evidence existed on the issues involving "exceptional character and of great public importance" when it pertained to Petitioner, a "citizen-attorney" and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour in direct violation of the Clayton Act and Sherman Act.



# The Legal Party®

---

P.O. Box 33  
Tarpon Springs, FL 34688-0033

July 23, 1993

TO: THE CITIZENS OF THE UNITED STATES:

There is no other answer except a new "political party", specifically, "THE LEGAL PARTY". Until we can return the judicial branch of government back to the people, there will be no "equal justice for all", and 90% of the United States citizens are having their rights and property adversely affected in the year A.D. 1993.

I have been "STABBED IN THE BACK AND RAPED" of my rights and property by the "licensed attorneys - federal judges" on numerous occasions. You (the United States citizens) (millions and millions of citizens - 90% of the citizens) have also been "STABBED IN THE BACK AND RAPED" of your rights and property by the "licensed attorneys - federal judges". It takes no legal genius to be able to predict the necessary retort when you STAB A CITIZEN IN THE BACK, AND THEN SUBSEQUENTLY RAPE THE CITIZEN. JUSTICE WILL SERVED!

It is self-evident that I and the other citizens no longer can say what we want to say since we no longer have freedom of speech; the "licensed attorneys - federal judges" will have us "illegally" arrested and imprisoned" to attempt to "keep us quiet", if we attempt to use our freedom of speech! In the alternative, the "licensed attorneys - federal judges" will engage in "character assassination" against the citizen to "keep the citizen quiet"!

Accordingly, pursuant to the Declaration of Independence, we must ... all "illegal licensed attorneys", including but not limited to, judges, and their families, and associates, and supporters ... for generations to come ... at all cost ... lateral damage. THE SLEAZY, CORRUPT, DISHONEST, UNETHICAL, ILLEGAL, LICENSED ATTORNEYS (HEREAFTER, "SCDUILA"), HAVE "STOLEN" OUR PROPERTY FOR THEIR FAMILIES AND ASSOCIATES AND SUPPORTERS, AND THE SO-CALLED "STATUS QUO", AT OUR EXPENSE. It is not only "RAGE IN LA", but in reality, "RAGE IN USA" - any citizen who cannot afford a "sleazy, corrupt, dishonest, unethical, illegal, licensed attorney" at \$300.00 per hour, has not received justice, or will receive justice, in the United States, and the various States, in the year A.D. 1993. The entire legal system in the United States and the various States, is "positive fraud" in the year A.D. 1993, and is "totally corrupt", and must be ....

The present civil action is illustrative of the persistent and serious problem of "illegal licensed attorneys" USURPING the judicial branch of government in a United States, and subsequently refusing to admit the law and facts and evidence exist when it pertains to a citizen NOT represented by a "SCDUILA" at \$300.00 per hour in artificial-monopolistic legal fees.

"THE LEGAL BOOK" IS A "CALL TO ARMS" TO EACH AND ALL CITIZENS - TIME IS OF THE ESSENCE!

## I. QUESTIONS PRESENTED

NOTE: The instant Petition For Writ Of Certiorari is a "companion case" to Petitioner's Petition For Writ Of Mandamus on file in this Court, and pending before this Court (See Petition For Writ Of Certiorari, No. 92-8788). If this "sleazy, corrupt, dishonest, unethical, illegal, licensed attorney" (hereafter, "SCDUILA") court had NOT shirked its legal and social responsibility AGAIN, and had timely entertained the aforesaid Petition and Motion To Stay pending before this Court pertaining to the Florida Court case, it would not of been necessary to file the instant Petition For Writ of Certiorari. The judicial branch of government is TOTALLY CORRUPT, and the amount of justice receives is based on the AMOUNT OF MONEY A CITIZEN HAS. The present judicial system, being orchestrated and directed by "illegal licensed attorneys", must be TOTALLY DESTROYED, and replaced by "citizen-attorneys".

1. Whether the "SCDUILA" Florida Courts and United States Courts have established a "two tier system of justice" which violates "citizen-attorneys" (Pro Se is void, null and illegal) and paupers' Fourteenth Amendment and Fifth Amendment rights, by denying citizen-attorneys and/or paupers the right to proceed in a forma pauperis mode, and denying witnesses to be served in a forma pauperis mode, and denying paupers a court reporter for oral hearings, and refusing and continuing to refuse to timely entertain the citizen-attorney and/or paupers' pleadings in a timely mode.

2. Whether the entities in the State of Florida known as "licensed attorneys" and "The Florida Bar", are void, null and illegal and violates the Constitution of the United States and the tenets of the Declaration of the Independence under the present form of government, and if the said entities have established a "two tier system of justice" in the State of Florida, with the overlay of establishing Florida Statutes that LOCK-OUT each and all citizen-attorneys (90% of the citizens) from obtaining their property and rights.

3. Whether the amount of justice received in a Florida Court or a United States Court in the year A.D. 1993 is based on the amount of money a citizen has.

4. Whether the Florida Courts and United States Courts were bound to follow the decisions of the Supreme Court of the United States.

5. Whether this Court has a right to entertain each and all petitions for writ of certiorari filed by Petitioner in this Court.

6. Whether this Court has a right to entertain each and all issues raised in the instant Petition For Writ Of Certiorari.

7. Whether the "forma pauperis department" in this Court violates the Fifth Amendment.

8. Whether a State Court case removed to federal court, and improperly remanded to State Court, is an appealable order.



## II. PARTIES TO THE PROCEEDINGS

The parties to the proceeding in the State of Florida: Each and every so-called "licensed attorney" in the State of Florida, including but not limited to, so-called "licensed attorneys - state court judges". Further, each and every so-called "licensed attorney" in the various States and the United States, including but not limited to, the so-called "licensed attorneys of this court", have an interest in the instant action and are disqualified from proceeding on the instant action. Accordingly, Petitioner moves this "illegal licensed attorney court" to recuse itself from proceeding on the instant action, and refer the action to "citizen-attorneys" in the legislative branch of government, specifically, the United States Congress.

Since the instant Petition For Writ of Certiorari pertains to "corrupt, illegal licensed attorneys", and their "artificial-monopolistic legal fees" in the State of Florida, who are in direct violation of the Clayton Act and Sherman Act and the State of Florida Anti-Trust Laws, there are numerous "corrupt, illegal licensed attorneys", including but not limited to, "licensed attorneys - federal judges" and "licensed attorneys - state court judges", that have a prejudicial and bias interest in the instant Petition. In addition, Respondent Donald P. Day (Petitioner's brother), was "INDEMNIFIED" to file a "sham complaint" against Petitioner by other parties (hereafter, "other parties" are designated as "true and correct Respondents", hereafter, "T&C Respondents"). The "T&C Respondents" have a prejudicial and bias interest in the instant Petition

For Writ of Certiorari since the "T&C Respondents", and the "T&C Respondents'" agents and servants and co-conspirators, paid "cash under the table" to the "licensed attorneys - state court judges and federal judges" to deny, the law and facts and evidence existed when it pertained to Petitioner Roy A. Day, a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, and not able to pay a filing fee, to ensure that "NO" citizen-attorney and/or pauper litigant gains "meaningful" "ACCESS" to the Florida Courts to obtain their rights and property, unless the said citizen can afford a "corrupt, illegal licensed attorney" at \$300.00 per hour.

The instant section, "Parties To The Proceedings", is written as a "Motion To Disqualify The Supreme Court of the United States" from proceeding on the instant Petition For Writ of Certiorari. Petitioner moves this Court to recuse itself from proceeding on the instant Petition to a time in the future when "citizen-attorneys" have once again taken this Court from the "illegal licensed attorneys", and "NO" so-called "illegal licensed attorneys" are sitting on this Court, in the alternative, that a "special court of citizen-attorneys" be appointed by the United States Congress to entertain the instant Petition For Writ Of Certiorari. The record should reflect that the Federal Bureau of Investigation and the Senate Judiciary Committee are co-conspirators with the so-called "licensed attorneys" to conceal and cover-up the violations of the Clayton Act and Sherman Act of the United States, and the various Anti-Trust Laws of the State of Florida, so the so-called "licensed attorneys" can maintain an artificial-monopolistic legal fee rate of \$300.00 per hour.

III. ADOPTION OF PETITIONS FOR WRIT OF CERTIORARI FILED BY  
PETITIONER IN THIS COURT

The controlling issues in the instant Petition For Writ Of Certiorari, is the same as other Petitions For Writ Of Certiorari filed by Petitioner Roy A. Day, specifically, this Court, and as co-conspirators with other United States Courts, and other "corrupt, illegal licensed attorneys", have established a "two tier system of justice" in the United States and the various States, which has denied Petitioner Roy A. Day, and TEN OF MILLIONS OF CITIZENS of the United States, and the various States, their rights and property, because the said citizens cannot afford to hire a so-called "licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour and afford to pay a filing fee. This Court has "STABBED PETITIONER ROY A. DAY IN THE BACK AND RAPED PETITIONER ROY A. DAY OF HIS RIGHTS AND PROPERTY" on numerous occasions because Petitioner Roy A. Day was a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, including but not limited to, denying Petitioner the right to contract, specifically, to obtain a "final divorce decree" (Petition on file in this Court), and to obtain "salary-monies" which Petitioner earned during "gainful employment" (See Petition on file in this Court), and to obtain monies earned pursuant to services rendered and provided under Florida contract law (See Petition on file in this Court), and denied Petitioner the rights under the "EEOC" and the civil rights act (See Petition on file in this Court). This Court, and various State Courts, and various United States Courts, have

denied the law and facts and evidence existed when it pertained to Petitioner Roy A. Day, a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hours, and unable to pay a filing fee. By way of example, but not in limitation to:

1. Roy A. Day, petitioner, v. J. Evans Attwell, et al., 476 U.S. 1173, 106 S.Ct. 2900, 90 L.Ed. 2d 986 (June 9, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
2. Roy A. Day, petitioner, v. Allstate Insurance Company, 476 U.S. 1173, 106 S.Ct. 2900, 90 L.Ed.2d 986 (June 9, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Eighth Circuit.
3. Roy A. Day, petitioner, v. United States Court of Appeals for the Fifth Circuit, et al., 476 U.S. 1161, 106 S.Ct. 2285, 90 L.Ed2d 726 (June 2, 1986). Petition For writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
4. Roy A. Day, petitioner, v. Continental Insurance Companies, 476 U.S. 1120, 106 S.Ct. 1984, 90 L.Ed.2d 666 (May 19, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
5. Roy A. Day, petitioner, v. CMC Corporation, 476 U.S. 1122, 106 S.Ct. 1988, 90 L.Ed.2d 669 (May 19, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
6. Roy A. Day, petitioner, v. Jack Pope, Chief Justice, et al., 476 U.S. 1107, 106 S.Ct. 1954, 90 L.Ed2d 362 (May 5, 1986). Petition For Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.
7. Roy A. Day, petitioner, v. Continental Insurance Companies, 475 U.S. 1126, 106 S.Ct. 1652, 90 L.Ed.2d 195 (April 21, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Eighth Circuit.
8. Roy A. Day, petitioner, v. Amoco Chemicals Corporation, 474 U.S. 1065, 106 S.Ct. 818, 88 L.Ed.2d 791 (January 13, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
9. Roy Anderson Day, petitioner, v. Bruce Wettman, Judge, et al., 474 U.S. 1035, 106 S.Ct. 600, 88 L.Ed.2d 579 (December 16, 1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
10. In re Roy A. Day, petitioner, 474 U.S. 943, 106 S.Ct. 340, 88 L.Ed.2d 325 (November 4, 1985). Petition For Common Law writ Of Certiorari.



11. Roy A. Day, petitioner, v. Norman W. Black, Judge, United States District Court for the Southern District of Texas, et al., 474 U.S. 922, 106 S.Ct. 255, 88 L.Ed.2d 262 (October 21,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

12. In re Roy Anderson Day, petitioner, 474 U.S. 814, 106 S.Ct. 212, 88 L.Ed2d 181 October 7,1985). Petition For Writ Of Mandamus.

13. In re Roy Anderson Day, petitioner, 474 U.S. 813, 106 S.Ct. 210, 88 L.Ed2d 180, October 7,1985). Petition For Writ Of Common Law Certiorari.

14. Roy Anderson Day, petitioner, v. Reagan Cartwright, et al., 471 U.S. 1145, 105 S.Ct. 2692, 86 L.Ed2d 709 (June 3,1985). Petition For Rehearing.

15. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation, 471 U.S. 1132, 105 S.Ct. 2667, 86 L.Ed2d 284 (May 28,1985). Petition For Rehearing.

16. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation, 471 U.S. 1095, 105 S.Ct. 2171, 85 L.Ed2d 527 (April 1985). Petition For Rehearing.

17. Roy Anderson Day, petitioner, v. Reagan Cartwright, et al., 471 U.S. 1056, 105 S.Ct. 2119, 85 L.Ed2d 484 (April 22,1985). Petition For Writ Of Certiorari to the Supreme Court of Texas.

18. Roy Anderson Day, petitioner, Amoco Chemicals Corporation, 471 U.S. 1056, 105 S.Ct. 2121, 85 L.Ed2d 485 (April 22,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

19. Roy Anderson Day, petitioner, v. James DeAnda, Judge, et al., 471 U.S. 1050, 105 S.Ct. 2045, 85 L.Ed2d 343 (April 15,1985). Petition For Rehearing.

20. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation, 470 U.S. 1086, 105 S.Ct. 1849, 85 L.d2d 147 (March 25,1985). Petition For writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

21. Roy Anderson Day, petitioner, v. James DeAnda, Judge et al., 470 U.S. 1030, 105 S.Ct. 1401, 84 L.Ed2d 788 (March 4,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

22. Roy Anderson Day, petitioner, v. Supreme Court of Texas, et al., 470 U.S. 1039, 105 S.Ct. 1415, 84 L.Ed2d 800 (March 4,1985). Petition For Rehearing.

23. Roy Anderson Day, petitioner, v. James DeAnda, et al., 469 U.S. 1206, 105 S.Ct. 1165, 84 L.Ed2d 318 (February 19,1985). Temporary Restraining Order.

24. Roy Anderson Day, petitioner, v. Supreme Court of Texas, et al., 469 U.S. 1194, 105 S.Ct. 974, 83 L.Ed2d 976 (January 21,1985). Petition For Writ Of Certiorari to the Court of Civil Appeals of Texas.

25. Roy A. Day, petitioner, v. Rosemary Barkett, et al., Petition For Writ Of Certiorari to the United States Court of Appeals for the Eleventh Circuit, No. 90-6848.

26. Roy A. Day, petitioner, v. GAF Corporation, et al., Petition For Writ Of Certiorari to the United States Court of Appeals for the Eleventh Circuit, No. 90-6620.

The aforesaid Petitions show clear, strong, convincing and uncontroverted evidence that this Court, as a co-conspirator with other United States Courts, and various State Courts, that no "citizen-attorney" and/or pauper litigant can NOT gain "meaningful" "ACCESS" to the United States Courts or the various State Courts in the year A.D. 1993 to obtain the said citizens' rights and property unless the said citizen is "forced, coerced and extorted" to hire a so-called "licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour, with the overlay to have the ability to pay filing fees. TEN OF MILLIONS OF CITIZENS ARE BEING SUBJECTED TO THE AFORESAID COURSE OF ILLEGAL CONDUCT, WITH THE OVERLAY OF A "TWO TIER SYSTEM OF JUSTICE": (1) One system is for the "rich and famous client" who can afford to pay a filing fee and who can afford to hire a so-called "licensed attorney" at \$300.00 per hour, or place thousands of dollars as a legal retainer fee, and to pay "cash under the table" to the said "presiding judge", to have the law and facts and evidence admitted into existence when it pertains to the "rich and famous client"; (2) The other system is for citizen-attorneys and/or pauper citizens who cannot afford to pay a filing fee and who cannot afford a so-called "licensed attorney", and who cannot afford to pay "cash under the table" to the "presiding judge" to have the law and facts and evidence admitted into existence when it pertains to the said "citizen-attorney" (Pro Se is void, null and illegal, and establishes a "two tier system of justice") and/or pauper citizen. Accordingly, Petitioner moves this Court to adopt and reconsider to the end each and every Petition For Writ Of Certiorari filed by Petitioner Roy A. Day in this Court, including but not limited to, the Petitions For Writ Of Certiorari, supra.

#### IV. TABLE OF CONTENTS

	<u>PAGE</u>
"THE LEGAL BOOK" COVER ART .....	i
"THE LEGAL PARTY" STATEMENT .....	ii
QUESTIONS PRESENTED .....	iii
PARTIES TO THE PROCEEDINGS .....	iv
ADOPTION OF PETITIONS FOR WRIT OF CERTIORARI FILED BY PETITIONER IN THIS COURT .....	vi
TABLE OF CONTENTS .....	x
TABLE OF AUTHORITIES .....	xii
OPINIONS BELOW .....	2
BASIS FOR JURISDICTION .....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF CASE .....	3
REASONS FOR GRANTING WRIT .....	9
CONCLUSIONS .....	34
CERTIFICATE OF SERVICE .....	49

#### APPENDIX "A"

FRAUDULENT orders dated July 21,1993 from the corrupt and "illegal licensed attorney court" designated as the "United States Court of Appeals for the Eleventh Circuit". The July 21,orders are "CAMOUFLAGE ORDERS" to deceive each and all readers of the "true and correct issues and facts and law and evidence", and to prevent DISCLOSURE, and deny a "citizen-attorney" and "pauper" from gaining "MEANINGFUL ACCESS" to the United States Courts so the so-called "licensed attorneys" can make artificial-monopolistic legal fees of \$300.00 per hour.

#### APPENDIX "B"

FRAUDULENT orders dated January 25,1993 and February 2,1993 are "CAMOUFLAGE ORDERS" from the corrupt and "illegal licensed attorney court" designated as the "United States District Court for the Middle District of Florida, Tampa Division.

#### APPENDIX "C"

Petitioner's First Notice of Filing with Petitioner's "First Amended Counterclaim with 'civil rights issue'".

**APPENDIX "D"**

Petitioner's Motion To Vacate The Fraudulent January 25, 1993 Order from the United States District Court for the Middle District of Florida, Tampa Division.

**APPENDIX "E"**

Petitioner's Motion To Vacate The Fraudulent February 2, 1993 Order from the United States District Court for the Middle District of Florida, Tampa Division.

**APPENDIX "F"**

Petitioner's Jurisdictional Statement filed in the United States Court of Appeals for the Eleventh Circuit.

**APPENDIX "G"**

Letters from sleazy, corrupt, unethical, illegal licensed attorneys stating that Petitioner would have to have \$300.00 per hour in artificial-monopolistic legal fees to hire the so-called "licensed attorneys".

**APPENDIX "H"**

Constitutional And Statutory Provisions Involved.



## V. TABLE OF AUTHORITIES

### TABLE OF CASES

	<u>PAGE</u>
<u>Financial Timing Publications, Inc. v. Compugraphic Corp.</u> , 893 F2d 936 (CA8 Minn 1990) .....	32
<u>Georgia v Rachel</u> , 384 US 780, 16 LEd2d 925, 86 SCt 1783 (1966) ..	30
<u>Harper v. Merkle</u> , 638 F2d 848 (5th Cir 1981) .....	18
<u>Harris v. Blue Cross/Blue Shield, Inc.</u> , 951 F2d 325, 327 (CA11 1992) .....	33
<u>International Shoe Co. v. FTC</u> , 280 US 291 (1930) .....	24
<u>Kattleman v. Maidden</u> , 88 F2d 858 (8th Cir 1937) .....	26
<u>Mayer v. City of Chicago</u> , 404 US 189 (1971) .....	21
<u>Meadows v Bicrodyne Corp.</u> , 559 FSupp 57 (ND Cal 1983) .....	32
<u>Rankin v. Howard</u> , 633 F2d 844 (9th Cir 1980) .....	19
<u>Smith v. Richards</u> , 38 US 26 (1839) .....	18
<u>United States v. Choate</u> , 576 F2d 165 (9th Cir 1978) .....	17
<u>United States v. Cook</u> , 311 FSupp 618 (WD Pa 1970) .....	17
<u>United States v. E.I. Dupont de Nemours &amp; Co.</u> , 353 US 586 (1957). 24	

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

#### Federal Statutes

Title 15, United States Code, Sections 1 through 27 .....	24
Title 28, United States Code, Section 1443 .....	32
Title 28, United States Code, Section 1447(d) .....	31

#### Amendments and Constitution to the United States

Article VI, Clause 2 of the Constitution of the United States ...	20
Article VI, Clause 3 of the Constitution of the United States ...	20
Fifth Amendment of the Constitution of the United States ....	10, 17
The Ninth Amendment to the Constitution of the United States ....	17

# ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

NO.            - 93-5430

Supreme Court, U.S.

FILED

JUL 27 1993

OFFICE OF THE CLERK

ROY A. DAY,  
Petitioner

v.

Donald P. Day,  
"INDEMNIFIED"-Respondent  
(NOT "true and correct" Respondent)

PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

TO THE SUPREME COURT OF THE UNITED STATES WHEN THE JUSTICES ARE "NO"  
LONGER "ILLEGAL LICENSED ATTORNEYS", BUT "CITIZEN-ATTORNEYS":  
(in the alternative)

TO THE HONORABLE, THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE  
SUPREME COURT OF THE UNITED STATES:

Roy A. Day, the Petitioner herein, prays that a Writ of Certiorari issue to review the orders of the United States Court of Appeals for the Eleventh Circuit entered in the above-entitled case on July 21, 1993, and the associated orders of January 25, 1993 and February 2, 1993 of the United States District Court for the Middle District of Florida, Tampa Division.

NOTE: The instant Petition For Writ Of Certiorari, is an "extension" of Petitioner's "Petition For Writ of Certiorari, No. 92-8788", on file in this Court.

---

## I. OPINIONS BELOW

---

1. The orders, as yet unreported, of the United States Court of Appeals for the Eleventh Circuit dated July 2, 1993, are printed in Appendix "A". The order, as yet unreported, of the United States District Court for the Middle District of Florida, Tampa Division dated January 25, 1993 and February 2, 1993, are printed in Appendix "B".

---

## II. BASIS FOR JURISDICTION

---

1. The orders of the United States Court of Appeals for the Eleventh Circuit (See Appendix "A") was entered on July 21, 1993. The orders of the United States District Court for the Middle District of Florida, Tampa Division (See Appendix "B") was entered on January 25, 1993 and February 2, 1993. The jurisdiction of this Court is invoked under Title 28, United States Code, Section 1254(1).

---

### III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

---

#### CONSTITUTIONAL PROVISIONS

1. The Constitution of the United States, Amendment Fifth (See Appendix "H").

---

#### IV. STATEMENT OF THE CASE

---

1. Various persons, including but not limited to, State Court Judge John S. Andrews, conspired to "INDEMNIFY" Petitioner's "brother" (Respondent Donald P. Day) to file a "sham complaint" against petitioner to attempt to "steal" Petitioner's property, and to deny Petitioner the right to "contract", and to "falsely eject" Petitioner from Petitioner's property (See "companion petition" on file in this court - No. 92-8788) (For judicial economy, Petitioner repeats and realleges the Statement Of The Case in Petition For Writ Of Certiorari, No. 92-8788, on file in this Court, as if the afore-said Statement of the Case was expressly stated herein). Once Petitioner ascertained that Petitioner's brother (Respondent Donald P. Day) was INDEMNIFIED by the "true and correct Respondents" (hereafter, "T&C Respondents") to file the said "sham complaint", Petitioner filed a First Amended Counterclaim (See Appendix "C") with



a "civil rights" issue under 28 USC 1443. Subsequently, Petitioner filed a "timely" Petition For Removal. NOTE: The Respondent and the "True and Correct Respondents" (hereafter, "T&C Respondents") did NOT file any response in opposition to Petitioner's Petition For Removal. The "sleazy, corrupt, dishonest, unethical, illegal licensed attorney" (hereafter, "SCDUILA") district court judge, pursuant to "prior agreement and personal motivation" and "outside the court's authority" (NOT a judicial act), conspired with the "T&C Respondents, and refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, and entered the first "fraudulent order" on January 25,1993. Petitioner filed a Motion To Vacate The January 25,1993 Order (See Appendix "D"). NOTE: The Respondent and the "True and Correct Respondents" (hereafter, "T&C Respondents") did NOT file any response in opposition to Petitioner's Petition For Removal. Accordingly, as an operation of law, Petitioner was entitled to have the action not remanded to state court. Petitioner filed a timely appeal on the fraudulent January 25,1993 order.

2. To ensure the record was clear and certain and full and satisfactory, Petitioner filed a second Petition For Removal, since the facts vary a "little" from the first Petition For Removal. The "SCDUILA" district court judge illegally remanded the action back to state court on February 2,1993, even though the Petition For Removal was timely filed upon discovery of the "T&C Respondents" (See First Amended Counterclaim - see Appendix "C"). Petitioner filed a Motion To Vacate The February 2,1993 Order (See Appendix "E"). NOTE: The opposing counsel and Respondent and the "True and Correct Respondents" (hereafter, "T&C Respondents") did NOT file any response in

opposition to Petitioner's Petition For Removal and Motion To Vacate. Accordingly, as an operation of law, Petitioner was entitled to have the action not remanded to state court. Petitioner timely filed an appeal on the fraudulent February 2, 1993 order. There were now "two appeals" on the said "illegal remanding" of the "civil rights" Counterclaim under 28 USC 1443.

3. Since the First Amended Counterclaim involved a "civil rights" issue (See Appendix "C"), Petitioner had a clear right to an appeal on the course of "illegal" conduct to remand the action back to the state court of Florida. The appellate court, pursuant to "prior agreement and personal motivation" and "outside the courts authority" (NOT a judicial act) attempted to first "illegally" deny Petitioner "meaningful access" to the appellate court as a citizen-attorney and a pauper by having Petitioner file a Jurisdictional Statement (See Appendix "F"). The aforesaid Jurisdictional Statement shows overwhelming evidence that the appellate court had competent jurisdiction, and Petitioner was entitled to write a BRIEF pertaining to the "civil rights" issue, and the illegal remanding. The "SCDUILA" of the appellate refused and continued to refused to admit the law and facts and evidence existed when it pertained to Petitioner, and "denied Petitioner" the right to gain "meaningful access" to the appellate court. Accordingly, Petitioner was forced and coerced to file the instant Petition For Writ Of Certiorari.

4. In addition, the instant Petition is filed for the following reason for redress of the illegal conduct being carried-out by the United States Courts against Petitioner and MILLIONS AND MILLIONS AND MILLIONS of citizens. For judicial economy, Petitioner repeats

and realleges Petitioner's "Statement Of The Case" filed in Petitioner's "Petition For Writ Of Certiorari", No. 92-8788, on file in this Court, as if the aforesaid "Statement Of The Case" was expressly stated herein.

5. CONTROLLING ISSUE for the instant Petition: Petitioner was denied meaningful access to the Florida Courts and the United States Court as a 'citizen-attorney' and a 'pauper' because Petitioner could not afford to pay a filing fee and could not afford a 'SCDUILA' at \$300.00 per hour in artificial-monopolistic legal fees (See Appendix "G" - letters from so-called licensed attorneys denying to accept Petitioner's civil complaints).

6. THE "LICENSED ATTORNEY - DISTRICT COURT AND APPELLATE COURT" ORDERS ENTERED AGAINST PETITIONER ON JANUARY 25,1993 AND FEBRUARY 2,1993 AND JULY 21,1993 (SEE APPENDIX "A" and "B") WERE ENTERED PURSUANT TO "PRIOR AGREEMENT AND PERSONAL MOTIVATION" AND "OUTSIDE THE COURT'S AUTHORITY" (NOT A JUDICIAL ACT), AND THE SAID ORDERS ARE "MISLEADING AND DECEPTIVE", IN THAT THE APPELLATE COURT DENIED PETITIONER THE RIGHT TO GAIN MEANINGFUL ACCESS TO THE APPELLATE COURT, SOLELY FOR THE PURPOSE TO PREVENT "DISCLOSURE" AND TO PREVENT PETITIONER FROM PERFORMING DISCOVERY AND HAVING A TRIAL BY JURY, AND BECAUSE THE OPPOSING COUNSELS COULD NOT COMPETE WITH PETITIONER AT \$300.00 PER HOUR IN ARTIFICIAL-MONOPOLISTIC LEGAL FEES (HEREAFTER, THE AFORESAID JULY 21,1993 AND JANUARY 25,1993 AND FEBRUARY 2,1993 ORDERS ARE THE "REMANDING - CAMOUFLAGE ORDERS"). THE "LICENSED ATTORNEY - APPELLATE COURTS" DEVISED A SCHEME AND PLAN WITH THE "LICENSED ATTORNEYS - OPPOSING COUNSELS", AND THE "T&C RESPONDENTS", TO "CREATE" A "FRAUDULENT ISSUE" ("REMANDING - CAMOUFLAGE ORDERS"),

SPECIFICALLY, THE DENIAL OF PETITIONER HAVING THE RIGHT TO GAIN MEANINGFUL ACCESS TO THE APPELLATE COURT TO WRITE A BRIEF ON THE CIVIL RIGHTS ISSUE PERTAINING TO PETITIONER'S COUNTERCLAIM (See Appendix 'A' and 'B' and 'C'), WHICH IN REALITY DENIED PETITIONER THE RIGHT TO PERFORM DISCOVERY AND HAVE A TRIAL BY JURY AND DENIED PETITIONER THE RIGHT TO HAVE A COURT REPORTER PRESENT AND THE RIGHT TO HAVE WITNESSES SERVED IN A FORMA PAUPERIS MODE. By creating the aforesaid 'REMANDING - CAMOUFLAGE ORDER' issue, the United States Courts were was able to prevent DISCLOSURE of the true and correct facts and law and evidence as more specifically stated in Petitioner's Motion To Vacate and Jurisdictional Statement (See Appendix 'D' and 'E' and 'F'). THE CONTROLLING ISSUE IN THE INSTANT PETITION, AND THE UNITED STATES COURT: THE AMOUNT OF JUSTICE RECEIVED IS BASED ON THE AMOUNT OF MONEY A CITIZEN HAS! The aforesaid course of illegal conduct against Petitioner, and MILLIONS AND MILLIONS AND MILLIONS OF CITIZENS IN THE UNITED STATES, violates Petitioner's and the citizens' Fifth Amendment rights of due process and equal protection of the law as a pauper and as citizen-attorneys. It is self-evident that the United States Courts have established a "two tier system of justice" in the United States.

7. The instant action is a "companion case" to Petition For Writ Of Certiorari No. 92-8788, on file in this Court. For judicial economy, Petitioner repeats and realleges Petition For Writ Of Certiorari, No. 92-8788, as if the aforesaid Petition was expressly stated herein. Since this corrupt, "illegal licensed attorney" court has shirked its legal and social responsibility in the aforesaid Petition For Writ Of Certiorari on file in this corrupt, "illegal licensed



attorney court", and refused to issue a "timely" ruling on the said Petition and the Motion To Stay Proceeding in the State Courts of Florida, Petitioner was forced and coerced to file the instant Petition. IT IS SELF-EVIDENT THAT THIS CORRUPT, "ILLEGAL LICENSED ATTORNEY" COURT DOES NOT HONOR "CITIZEN-ATTORNEYS" AND "PAUPERS'" RIGHTS ALSO.

8. Since Petitioner was seeking a large and meaningful sum certain in the First Amended Counterclaim, and because Petitioner was appearing as a citizen-attorney and a pauper, the "true and correct Respondents" conspired with the "United States licensed attorney judges" to enter the "REMANDING - CAMOUFLAGE ORDERS" to deceive and mislead each and all readers of the said order that the TRUE AND CORRECT ISSUES in the instant appeal are of GREAT PUBLIC CONCERN, and involve the denial of a citizen-attorney and pauper to the right to have meaningful access to the United States Courts to perform discovery, and a have a trial by jury, and have witnesses served in a forma pauperis mode, and to have a court reporter present for oral hearings.

9. The "REMANDING - CAMOUFLAGE ORDERS" entered on July 21,1993 and January 25,1993 and February 2,1993, are "sham orders", and must be reviewed by this court. The United States Courts are using the "REMANDING - CAMOUFLAGE ORDERS" to deny Petitioner meaningful access to the United States Courts to perform DISCOVERY and have a TRIAL BY JURY and to have a court reporter present for oral hearings and to have witnesses served in a forma pauperis mode. The United States "licensed attorney courts'" orders are nothing more than "REMANDING - CAMOUFLAGE ORDERS" to prevent DISCLOSURE of the true and

correct facts and law and evidence and issues, and to prevent DISCOVERY and a TRIAL BY JURY, and to prevent a court reporter present for oral hearings, and to prevent witnesses from testifying, because Petitioner is a pauper and a citizen-attorney.

---

V. REASONS FOR GRANTING WRIT

---

1. CITIZENS IN THE UNITED STATES COURT ARE BEING DENIED MEANINGFUL ACCESS TO THE UNITED STATES BECAUSE THE CITIZEN DOES NOT HAVE MONEY - THE AMOUNT OF JUSTICE RECEIVED BY A UNITED STATES CITIZEN IN THE YEAR A.D. 1993 IS BASED ON THE AMOUNT OF MONEY THE SAID CITIZEN HAS - SUCH A COURSE VIOLATES THE FIFTH AMENDMENT

ISSUE OF GREAT PUBLIC IMPORTANCE: The United States Courts, and its principle co-conspirators, the entities known as "The State Bars" and so-called "licensed attorneys", "have established a "two tier system of justice": one for wealthy citizens who can afford \$300.00 per hour in legal fees, and who can afford to pay filing fees, to have meaningful access to the United States Court, and to have the law and facts and evidence admitted into existence when it pertains to the wealthy citizen; the other system is for citizen-attorneys and/or paupers who cannot afford a so-called "licensed attorney" at \$300.00 per hour and afford to pay filing fees, with the overlay that the law and facts and evidence is denied in existence when it pertains to the citizen-attorneys and/or paupers. The aforesaid "two tier system of justice" ensures that the so-called "licensed attorneys" maintain an artificial-monopolistic legal fee rate of \$300.00

per hour. THE AMOUNT OF JUSTICE RECEIVED BY A CITIZEN IN THE UNITED STATES IN THE YEAR A.D. 1993 IS BASED ON THE AMOUNT OF MONEY A CITIZEN HAS! To carry-out the aforesaid "two tier system of justice", the so-called "licensed attorney judges" have devised various schemes and plans to ensure that citizen-attorneys and/or paupers do not gain meaningful access to the United States Courts. One such scheme and plan is to issue "REMANDING - CAMOUFLAGE ORDERS" against the citizen by denying the citizen the right to gain meaningful access to the United States Courts by denying the law and facts and evidence existed when it pertained to the said citizen. Petitioner has been subjected to the aforesaid "REMANDING - CAMOUFLAGE ORDERS" as reflected on the orders entered by the United States Courts (See Appendix "A" and "B").

The Fifth Amendment of the Constitution of the United States, states:

"No person shall be held to answer for capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The course being followed by the United States Courts, and their co-conspirators, so-called "licensed attorneys" and "The State Bar", to deny citizens meaningful access to the United States Courts to have the law and facts and evidence admitted into existence because the citizen does not have "money" for filing fees and to pay a

so-called "licensed attorney" \$300.00 per hour in artificial-monopolistic legal fees, denies the Florida citizens due process and equal protection of the law, and violates the citizens' Fifth Amendment rights as enumerated supra.

Petitioner has been subjected to the aforesaid "two tier system of justice" in the United States Courts. As reflected in the Record Excerpts, Appendix "A" and "B", the "sleazy, corrupt, dishonest, unethical, illegal licensed attorneys" (hereafter, "SCDUILA") federal judge's denied the law and facts and evidence existed when it pertained to Petitioner, including but not limited to the "civil right's issue" in Petitioner's First Amended Counterclaim (See Appendix "C"). Petitioner was denied access to the United States Courts. The United States appellate court denied Petitioner meaningful access to the United States Courts as a citizen-attorney pauper and a pauper. Such a course has denied Petitioner due process and equal protection of the law as enumerated in the above-cited Fifth Amendment. CONTROLLING ISSUE: The Respondent and the "T&C Respondents" filed no responsive pleadings in opposition to Petitioner's Motion To Vacate the trial level court orders (See Appendix "D" and "E"), and on Petitioner's Petition For Removal. The "licensed attorney" opposing counsel, and the "T&C Respondents" (true and correct respondents), had conspired with the United States "licensed attorneys" Judges, to have the United States "licensed attorney" judges to deny the law and facts and evidence existed when it pertained to Petitioner, so Petitioner would be denied meaningful access to the United States Courts.



The United States Courts, pursuant to "prior agreement and personal motivation" and "outside the court's authority" (not a judicial act), entered the orders remanding a civil right's complaint back to the state courts without permitting Petitioner the right to write a BRIEF to show the true and correct facts and law and evidence. The appellate court's orders and the trial level court orders were entered "WILLFULLY, INTENTIONALLY, WANTONLY, MALICIOUSLY AND FRAUDULENTLY" pursuant to "prior agreement and personal motivation. The United States Appellate Court had competent jurisdiction of Petitioner's appeal (See Appendix "F"). Accordingly, Petitioner has no other remedy for relief but to file the instant petition to this so-called "licensed attorney court - Supreme Court of the United States", even though the evidence reflects that this "licensed attorney court" is just as sleazy, corrupt, dishonest and unethical as the other "licensed attorney" United States Courts, when in fact, it is because of this corrupt court's "inaction" on Petitioners Petition For Writ Of Certiorari, No. 92-8788, and the associated Motion To Stay Proceedings, that Petitioner was forced and coerced to file the instant petition to this corrupt "licensed attorney court". Ninety percent (90%) of the citizens in the United States cannot receive JUSTICE in the United States Courts in the year A.D. 1993, since the amount of JUSTICE received in the United States Courts is based on the amount of money a citizen has, and NOT on facts and law and evidence. Such a course violates the Fifth Amendment of the United States Constitution, specifically, due process and equal protection of the law clause.



2. PAUPERS AND CITIZEN-ATTORNEYS IN THE UNITED STATES ARE  
BEING DENIED THE RIGHT TO DISCOVERY AND THE RIGHT TO A TRIAL BY  
JURY AND THE RIGHT TO HAVE WITNESSES SERVED AND THE RIGHT TO COURT  
REPORTER IN A FORMA PAUPERIS MODE - SUCH A COURSE  
VIOLATES THE FIFTH AMENDMENT

ISSUE OF GREAT PUBLIC IMPORTANCE: Since the AMOUNT OF JUSTICE RECEIVED IN THE UNITED STATES IS BASED ON THE AMOUNT OF MONEY A CITIZEN HAS, Petitioner, and millions and millions and millions of citizens in the United States, are being denied the right to discovery and a trial by jury and the right to have witnesses testify and the right to court reporters in a forma pauperis mode. Such a course is in direct violation of the Fifth Amendment of the Constitution of the United States, specifically, due process and equal protection of the law. Subsequently, the United States is becoming a nation of "STOLEN PROPERTY" with so-called "licensed attorneys" being the "principal co-conspirators", when in fact, the title to real estate property in the various States is becoming a "nightmare" due to so-called licensed attorneys", since the only citizens who can afford to defend such an "illegal foreclosure procedure" are citizens who can afford to pay a so-called "licensed attorney" \$300.00 per hour in artificial-monopolistic legal fees of \$300.00 per hour, with the overlay of "cash under the table" to the said presiding "licensed attorney judge". By the United States Courts entering the "REMANDING - CAMOUFLAGE ORDERS" against Petitioner as reflected in Appendix "A" and "B", the United States Courts have "LOCKED-OUT" Petitioner from the United States Courts, and the aforesaid orders are nothing more than a "thinly disguised denial of Petitioner's Fifth Amendment rights of

due process and equal protection of the law" as a citizen-attorney and a pauper. Accordingly, Petitioner has no other remedy available to Petitioner but to come before another corrupt, "illegal licensed attorney court", specifically, this Court. Petitioner has been LOCKED-OUT of the United States Courts due this corrupt, "illegal licensed attorney" court past conduct of denying Petitioner meaningful access to this corrupt, "illegal licensed attorney" Court.

3. (A.) PETITIONER'S FIFTH AMENDMENT RIGHTS HAVE BEEN VIOLATED WHEN THE UNITED STATES TRIAL LEVEL COURT AND THE UNITED STATES APPELLATE COURT AND THIS COURT "UNEQUALLY APPLIED THE LAW" AGAINST PETITIONER, AND REFUSED TO ADMIT THE LAW AND FACTS AND EVIDENCE EXISTED WHEN IT PERTAINED TO PETITIONER BECAUSE PETITIONER WAS CITIZEN-ATTORNEY AND A PAUPER AND NOT ABLE TO LOCATE COUNSEL AT THE ARTIFICIAL-MONOPOLISTIC LEGAL FEE RATE OF \$300.00 PER HOUR
- (B.) THE "LICENSED ATTORNEYS - UNITED STATES JUDGES" ARE IN DIRECT VIOLATION OF THE CONSTITUTION OF THE UNITED STATES BY USURPING THE JUDICIAL BRANCH OF GOVERNMENT FROM THE PEOPLE, AND ESTABLISHING A "THINLY DISGUISED PRIVATE CORPORATION" AND A "TWO TIER SYSTEM OF JUSTICE" IN THE JUDICIAL BRANCH OF GOVERNMENT TO MAINTAIN AN ARTIFICIAL-MONOPOLISTIC LEGAL FEE RATE OF \$300.00 PER HOUR
- (C.) THE "LICENSED ATTORNEYS - UNITED STATES JUDGES" ARE IN DIRECT VIOLATION OF THE CLAYTON ACT AND SHERMAN ACT AND FLORIDA FOR ANTI-TRUST LAWS BY ESTABLISHING AN ARTIFICIAL-MONOPOLISTIC LEGAL FEE RATE OF \$300.00 PER HOUR
- (D.) THE ENTITY DESIGNATED AS "LICENSED ATTORNEY" IS ILLEGAL UNDER THE CONSTITUTION OF THE UNITED STATES, AND IS ILLEGAL UNDER A GOVERNMENT "BY AND FOR THE PEOPLE"

Each and every citizen is held accountable to the law whether the citizen knows the law or not. According, each and every citizen has a clear right to be taught primary and secondary legal research and open court litigation skills. Further, each and every citizen has clear right to have the law and facts and evidence as being admitted into existence when it pertains to the said citizen, whether the

citizen can afford an "illegal licensed attorney" or not, at the artificial-monopolistic legal fee rate of \$300.00 - THAT IS GUARANTEED UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES, AND OF THE LAWS OF THE VARIOUS STATES. Petitioner has been subjected to the aforesaid course of illegal conduct in the instant action. Alas, in the year A.D. 1993, the "licensed attorneys - United States judges" have established a "monopoly" and a "thinly disguised private corporation" in the judicial branch of government in the United States, and the various States, and unless a citizen, including but not limited to, Petitioner and the "90% citizen" (hereafter "90% citizen", designates that 90% of the citizens cannot afford to hire a so-called "licensed attorney" at \$300.00 per hour in monopolistic legal fees, and pay filing fees), can afford to hire an "illegal licensed attorney", the "licensed attorneys - United States judges", refuse and continue to refuse to admit the law and facts and evidence exist when it pertains to the citizen-attorneys and/or pauper citizen ("90% citizen"). Petitioner, and ninety percent (90%) of the United States citizens (hereafter, "90% citizen"), cannot afford to hire a so-called "licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour, or place thousands of dollars in a legal retainer fee, or pay filing fees. The aforesaid monopolistic practices are in direct violation of the Clayton Act and Sherman Act and the various State Anti-Trust Laws. Petitioner was subjected to the aforesaid course of illegal conduct in the Eleventh Circuit for the instant action, and also in this corrupt, "illegal licensed attorney" court, inter alia, (See Petition For Writ Of Certiorari, No. 90-6848 and No. 90-6620 - In the aforesaid cases in this corrupt,

"illegal licensed attorney" Court, the Defendants (Respondents) admitted each and every allegation in Petitioner's Complaints on numerous occasions as "operation of law", including a complaint filed at the "EEOC" office, but the "licensed attorneys - federal judges" and the "licensed attorneys - opposing counsels" conspired to deny Petitioner his rights and property, specifically, the "licensed attorneys - federal judges", and the "Appellees - Florida State Court Judges", after receiving "bribes" as "cash under the table", the "licensed attorneys - federal judges", and the "Appellees - Florida State Court Judges", refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, citizen-attorney and a pauper and "not" able to locate counsel at the monopolistic legal fee rate of \$300.00 per hour. Petitioner was "STABBED IN THE BACK AND RAPED OF APPELLANT'S RIGHTS AND PROPERTY" by the District Court and this Court and the Florida Courts in the afore-said cases on file in this Court). Petitioner was subjected to the same course of illegal conduct in the lower appellate court and the trial level court for the instant action, specifically, the appellate court and the trial level court Courts in the instant action have refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, and denied Petitioner the right to be heard meaningfully and to gain meaningful access to the appellate court. The United States Courts in the instant action denied Petitioner meaningful access to the United States Courts solely for the purpose to deny Petitioner "ACCESS" to the United States Courts to conceal the course of illegal conduct by the "true and correct Respondents", as a co-conspirator with "corrupt, illegal



licensed attorneys". The Ninth Amendment to the Constitution of the United States, states:

"The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

In United States v. Cook, 311 FSupp 618 (WD Pa 1970), the Court held:

"Purpose of the 9th Amendment is to guarantee to individuals those rights inherent to citizenships in democracy which are not specifically enumerated in the Bill of Rights."

In United States v. Choate, 576 F2d 165 (9th Cir 1978), the Court held:

"Rights under the 9th amendment are only those so basic and fundamental and so deeply rooted in our society to be truly 'essential rights', which nevertheless cannot find direct support elsewhere in Constitution."

The Fifth Amendment of the Constitution of the United States, states:

"... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The instant action, and the aforesaid cases on file in this Court, show uncontroverted evidence that Petitioner and the "90% citizen" cannot afford to hire a so-called "illegal licensed attorneys" at the artificial-monopolistic legal fee rate of \$300.00 per hour, or place thousands of dollars in legal-retainer-fees. Such a course is subjecting Petitioner, and the "90% citizen", to an environment in which Petitioner's, and the "90% citizen's", rights and property are being "STOLEN" by the so-called "illegal licensed attorney",



and such a course has, and is, making this nation, a nation of 'STOLEN PROPERTY', with Petitioner, and the '90% citizen', being denied due process and equal protection of the law as enumerated in the above-cited Fifth Amendment. Further, each and every citizen (including but not limited to, the '90% citizen', and Petitioner) has a clear right to have the law and facts and evidence being admitted into existence when it pertains to citizen-attorneys and/or pauper citizens who cannot afford to hire an illegal licensed attorney at the artificial-monopolistic legal fee rate of \$300.00 per hour, or afford to pay a filing fee. This right is guaranteed under the Ninth Amendment, and the said right is 'inherent to citizenship in a democracy' as enumerated in the above-cited United States case, and is a 'right so basic and fundamental and so deeply rooted in our society to be truly an 'essential right'', as enumerated in the above-cited United States case. The instant case is illustrative of the serious and persistent problem where the 'licensed attorneys - United States judges' conspire with 'licensed attorneys - opposing counsels' making \$300.00 per hour, to 'gouge' the citizens by denying the citizens to be heard 'meaningfully' to protect the citizen's rights and property.

In Smith v. Richards, 38 US 26 (1839), the Court held:

'Where party, intentionally or by design, misrepresent a material fact, or produces a false impression, to mislead another or to entrap or cheat him, or to obtain undue advantage of him, there is a positive 'fraud'.

In Harper v. Merkle, 639 F2d 848 (5th Cir 1981), the Court held:

'When it is beyond a reasonable dispute that a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives ... such nonjudicial acts are not cloaked with judicial immunity from suit under Civil Rights.'

In Rankin v. Howard, 633 F2d 844 (9th Cir 1980), the Court held:

"A judges private, prior agreement, to decide in favor of one party is not a 'judicial act' for purpose of judicial immunity."

The instant action shows overwhelming evidence that Petitioner, appearing as a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, was subjected to "fraudulent orders" issued by "licensed attorneys - federal judges", pursuant to "prior agreement and personal motivation and outside their authority"; such course is not a judicial act as enumerated in the above-cited Rankin case. It is self-evident that the "licensed attorneys - United States judges" were using their office as a "offensive weapon to vindicate personal objectives" against Petitioner as enumerated in the above-cited Harp-er case, specifically, Petitioner is a citizen-attorney and a pauper and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour. The "REMANDING - CAMOUFLAGE ORDERS" - "sham orders" - issued by the "licensed attorneys - United States judges" in the instant action against Petitioner, citizen-attorney and pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, were not based on law and facts and evidence, but on passion, bias and prejudice and "prior agreement and personal motivation"; the said "REMANDING - CAMOUFLAGE ORDERS" "sham orders" were arbitrary, capricious and intentional, and by design, and were meant to misrepresent the material facts in the instant action, solely for the purpose to mislead the citizens of the United States on the true and correct facts, and to

cheat Petitioner. Such a course of illegal conduct is "positive fraud" as enumerated in the above-cited Smith case, and is NOT a "judicial act". In addition, the Smith case has stood the test of time and is very persuasive authority on the "FRAUD" committed by the "licensed attorneys - United States judges". To ensure that the aforesaid "prior agreement and personal motivation" scheme and plan would be successful, the "true and correct Respondents" of the instant action "channelled" "cash under the table" to the "licensed attorneys - United States judges" using a "domestic 'dutch sandwich' twist money laundering scheme" to conceal the aforesaid "cash" "under the table".

Article VI, Clause 2 of the Constitution of the United States, states:

"This Constitution, and the Law of the United States which shall be made in Pursuance thereof; and all Treaties made or which shall be made, under the Authority of the United States, Shall be the Supreme law of the Land; and the Judges in every State shall be bound thereby, and Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Article VI, Clause 3 of the Constitution of the United States, states:

"The Senators and Representatives before mentioned, and the Members of the several State legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, ever be required as a Qualification to any office or public Trust under the United States."

In the instant action, the "licensed attorneys - United States judges", elected to "manufacture pleadings and hearings" pursuant to "prior agreement and personal motivation and outside their authority" (not a judicial act), by denying the law and facts and evidence existed when it pertained to Petitioner, a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, even though the Petitioner had a clear right to an appeal to write a BRIEF on the issue pertaining to the civil rights violation, as more fully stated in Appendix "C". Such a course violates the above-enumerated Article VI, Clause 2 and 3. Accordingly, this Court has a clear right to refer the aforesaid judges to the Federal Bureau of Investigation for further investigation and subsequent indictment - to do otherwise is to shirk this Court's legal and social responsibility and be a co-conspirator with the aforesaid "licensed attorneys - United States judges".

It is self-evident that the "licensed attorneys - United States judges" have established a "two tier system of justice" as reflected by the evidence on the face of the record in the instant action, and the overwhelming evidence shows that the kind of trial Petitioner and the "90% citizen" receives, and the kind of hearing one receives in the United States Courts, depends on the amount of money Petitioner and the "90% citizen" has. In Mayer v. City of Chicago, 404 US 189 (1971), the Court held;

"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."



IT IS SELF-EVIDENT THAT PETITIONER HAS RECEIVED "NO EQUAL JUSTICE" IN THE INSTANT ACTION, SINCE THE "LICENSED ATTORNEYS - UNITED STATES JUDGES", BASED THE JUSTICE ON THE AMOUNT OF MONEY PETITIONER HAD AS ENUMERATED IN THE ABOVE-CITED Mayer case, specifically, Petitioner, and the "90% citizen", cannot afford to hire a so-called "illegal licensed attoreny" at the artificial-monopolistic legal fee rate of \$300.00 per hour, and pay a filing fee, and could not afford to "channel" "cash under the table" to the "licensed attorneys - United States judges" to have the law and facts and evidence admitted into existence when it pertained to Petitioner and the "90% citizen".

Each and every United States citizen has a clear right to be taught primary and secondary legal research and open court litigation skills as guaranteed by the Ninth Amendment and Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, specifically, it is an "inherent right to citizenship in a democracy and is so basic and fundamental and so deeply rooted in our society to be truly an 'essential right'", specifically, to ensure a citizen is "not" denied due process and equal protection of the law, and that a "check and balance" system in the three branches of government exist. Further, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, and the various State rules of procedure, are void, null and illegal, in that the said rules establish a "two tier system of justice", and deny citizen-attorneys and/or pauper citizens (including but not limited to, Petitioner, and the "90% citizen") their Fifth Amendment Rights and Fourteenth Amendment Rights and Ninth Amendment Rights, specifically, the said rules are for "illegal licensed attorneys" only, who are employed seven days a week in the



so-called legal profession. By way of example but not in limitation to, a ten day time period to file pleadings should be a thirty day time period since, Petitioner, and the "90% citizen", only have a minimum of five hours per week to work on legal matters.

The entity designated as "licensed attorney" is "illegal" under the United States Constitution and the various State Constitutions, in that it establishes a "privilege class" in the three branches of government, with an overlay of setting-up a "thinly disguised private corporation" in the judicial branch of government so a "two tier system of justice" is administered - one system for the citizen who can afford an "illegal licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour and who can afford to pay filing fees and who has the law and facts and evidence admitted; the other system is for citizens who cannot afford an "illegal licensed attorney" and cannot afford to pay filing fees and who appears as a citizen-attorney and/or in a forma pauperis mode, and has the law and facts and evidence denied in existence when it pertains to the citizen-attorney and/or pauper litigant. Accordingly, the entity designated as "licensed attorney" violates the tenet of the Declaration of Independence in that this is a government "BY AND FOR THE PEOPLE", and not by and for "illegal licensed attorneys" and a "privilege-class-client". Further, the established "two tier system of justice" violates Petitioner's, and the "90% citizen's", Fifth Amendment rights and Fourteenth Amendment rights of due process and equal protection of the law, in that only a citizen who can afford an "illegal licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour can have their rights and property protect-

ed. Petitioner and the "90% citizen" are not able to protect their rights and property. The aforesaid "two tier system of justice" established by the "illegal licensed attorneys" have established a "monopoly" in direct violation of the Clayton Act and Sherman Act and the various Anti-Trust Laws of the various States. With the aforesaid "two tier system of justice", Petitioner and the "90% citizen" can not receive justice in the United States in the year A.D. 1993, with the overlay that the citizens cannot receive any justice at the various "agencies" and "departments" of the United States and the various States.

For judicial economy, Petitioner repeats and realleges Title 15, United States Code (Monopolies and Combinations in Restraint of Trade); Sherman Act (Sections 1 through 7); Clayton Act (Sections 12 through 27), as if the aforesaid Sections were expressly stated herein. Petitioner is a pauper, and pursuant to the Federal Paper Reduction Act and the Environmental Protection Act, Petitioner cannot afford to file the aforesaid Sections. Further such a course would not be "environmentally sound" in the year A.D. 1993.

In International Shoe Co. v. FTC, 280 US 291 (1930), the Court held:

"Ultimate purpose of Clayton Act is to secure protection of public against evils which are supposed to result from lessening of competition".

In United States v. E.I. Dupont de Nemours & Co., 353 US 586 (1957), the Court held:

"It is purpose of Clayton Act to nip monopoly in the bud."

The evidence on the face of the record in the instant action shows uncontroverted evidence that the "illegal licensed attorneys" have established a "monopoly" and a "two tier system of justice" in the United States and the various States (including various agencies and departments), so the "illegal licensed attorneys" can maintain an artificial-monopolistic legal fee rate of \$300.00 per hour by having the "licensed attorneys - United States judges" refuse, and to continue to refuse, to admit the law and facts and evidence exist when it pertains to a citizen who is a citizen-attorney and/or a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, or place thousands of dollars as a "legal-retainer-fee". This court has a clear right to "dismantle" the "monopoly", which has lessened the competition in the legal field and permitted the "illegal licensed attorneys" to usurp the judicial branch from the people, and has eliminated 90% of the United States citizens from protecting their rights and property. This court has a clear right to nip the "monopoly" in the bud due to the lessened competition as enumerated in the above-cited International Shoe Co. case and the United States case and Title 15, United States Code, Sections 1 through 27.

The various States, and the United States, are in a very dangerous period, since the so-called licensed attorneys have devised the "MOST POWERFUL UNREGULATED MONOPOLY" in the United States, and the various States, and unless it is dismantled immediately, the United States will continue to be the largest debtor nation in the world, and will be a "fifth rate nation", as a result of this nation's bankruptcy, since the United States cannot compete in a

'global-world-village' with a 'powerful unregulated monopoly'. UNLESS THE CITIZENS GAIN CONTROL OF THE JUDICIAL BRANCH OF GOVERNMENT FROM THE 'CORRUPT, ILLEGAL LICENSED ATTORNEY', THE 'RAGE IN LA', IS IN REALITY, THE 'RAGE IN USA', AND ONLY A MATTER OF TIME! The Declaration of Independence guarantees the citizens the right to take the judicial branch of government by any means possible, if the 'corrupt, illegal licensed attorneys' refuse to 'leave' - most importantly, the citizens must document each and every family member of a licensed attorney, and each and all supporters, since the 'STOLEN' property taken by the 'corrupt, illegal licensed attorneys' over the last sixty (60) years must be 'confiscated' from each and all family members and supporters and returned to their 'rightful owners', as guaranteed by 'LAW'. ALAS, IT IS ADMITTED THAT A 'CIVIL WAR' IS THE ONLY ANSWER, UNLESS THE 'CORRUPT, ILLEGAL LICENSED ATTORNEYS' RETURN MY PROPERTY, AS WELL AS MILLIONS AND MILLIONS AND MILLIONS OF OTHER CITIZENS' PROPERTY. 'THE LEGAL PARTY' WILL POSSIBLY AVERT A 'CIVIL WAR', BUT ILLEGAL LICENSED ATTORNEYS HAVE 'CRIMINAL MINDS', AND CRIMINALS DO NOT RETURN 'STOLEN' PROPERTY OF OTHER CITIZENS. ACCORDINGLY, THIS PETITION IS CALL TO ARMS!

4. PETITIONER'S FIFTH AMENDMENT RIGHTS WERE VIOLATED WHEN THE UNITED STATES COURTS DID NOT FOLLOW THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES WHEN THE LAW PERTAINED TO PETITIONER, A CITIZEN-ATTORNEY AND A PAUPER, AND NOT ABLE TO LOCATE COUNSEL AT THE ARTIFICIAL-MONOPOLISTIC LEGAL FEE RATE OF \$300.00 PER HOUR, AND NOT ABLE TO PAY A FILING FEE

In Kattleman v. Maidden, 88 F2d 858 (8th Cir 1937), the Court held:



"Court of Appeal is bound to follow decision of Supreme Court."

It is self-evident that the United States Court of Appeals and the District Court were bound to follow the Highest Law Of The Land and grant Petitioner the right to an appeal on an illegal remand when a civil right's issue was involved as enumerated in the above-cited Kattleman case. Because Petitioner is a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, and not able to pay a filing fee, this Court, will, in all probability, once again, pursuant to "prior agreement and personal motivation and outside the court's authority" (not a judicial act), "UNEQUALLY APPLY THE LAW" against Petitioner, and refuse and continue to refuse to admit the law and facts and evidence exist when it pertains to Petitioner, because Petitioner is a citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour. Accordingly, Petitioner's Fifth Amendment Rights have been violated by the United States Courts, specifically, due process and equal protection of the law.

5. THIS COURT HAS CLEAR RIGHT TO ENTERTAIN EACH AND ALL PETITIONS OF PETITIONER ON FILE IN THIS COURT

For the last ten years this corrupt, "licensed attorney court" has ROBBED AND RAPED PETITIONER IN VARIOUS PETITIONS FILED IN THIS CORRUPT, "ILLEGAL LICENSED ATTORNEY COURT". This "licensed attorney court" maliciously and corruptly denied Petitioner meaningful access to this Court to protect the citizens' rights and property, solely



for the purpose to ensure that so-called "licensed attorneys" can maintain their artificial-monopolistic legal fees of \$300.00 per hour in direct violation of the Clayton Act and Sherman Act and the various State Anti-Trust Laws.

In Mercer v. Theriot, 377 US 152, 12 LEd2d 206, 84 Sct 1157 (1964), the Court held:

"The power to reach any and all issues presented by a case once certiorari has been granted is not affected by the previous denial of a writ of certiorari in the same case."

Accordingly, this corrupt, "licensed attorney court" has a clear right to entertain each and all petitions filed by Petitioner in this corrupt, "licensed attorney court", once this court grants certiorari on the instant Petition, as enumerated in the above-cited Mercer case.

6. THIS COURT HAS A CLEAR RIGHT TO ENTERTAIN EACH AND ALL ISSUES AND PLEADINGS OF PETITIONER IN THE INSTANT PETITION

PETITIONER IS ENTITLED TO A REVERSAL OF THE UNITED STATES APPELLATE COURT ORDERS AND THE DISTRICT COURT ORDERS AGAINST PETITIONER AS AN OPERATION OF LAW, SINCE RESPONDENT FILED NO RESPONSE DENYING PETITIONER'S PLEADINGS IN THE UNITED STATES COURTS

Pursuant to judicial economy, this Court has a clear right to entertain and review each and all motions and pleadings of Petitioner in the trial level court and the appellate court, without remanding the instant action back to the appellate court, since there no pleading filed in opposition to the Petition For Removal and the associated Motion To Vacate The January 25, 1993 Order and the February 2, 1993 Order (See Appendix "D" and "E"). Such a course will prevent needless

and unnecessary time and money on the litigants and on the TAXPAYERS to have the case return to this Court for further appeal on the aforesaid issues.

Petitioner is entitled to have each and all pleadings filed by Petitioner granted in the trial level court and the appellate court, including but not limited to, the Motion To Vacate (See Appendix "D" and "E"), as an "operation of law", since the "true and correct Respondents", or the INDEMNIFIED Respondent, filed no response in opposition to each and every pleading filed by Petitioner in the United States Courts pertaining to the Petition For Removal.

7. THE FORMA PAUPERIS DEPARTMENT IN THIS COURT  
VIOLATES THE FIFTH AMENDMENT AND ESTABLISHES A "TWO  
TIER SYSTEM OF JUSTICE"

This court has established a so-called "forma pauperis department" and a set of RULES which are discriminatory against each and all citizens, excluding so-called "licensed attorneys". Only the wealthy citizens can afford to gain meaningful access to this court. All other citizens are subjected to the forma pauperis department's harassment. Each and all citizens have the right to be subjected to the same "departments", and not a special department for paupers. It is self-evident that this court is bias, prejudice and discriminatory against citizens who are not represented by so-called "licensed attorneys" at \$300.00 per hour. Further, the RULES established by this court are discriminatory, and are for so-called "licensed attorneys" who are working at law 40 hours a week. By way of example but not in limitation to, the Rule on timely filing a petition for writ of cer-

tiorari is bias, prejudice and discriminatory. Petitioner is a citizen-attorney and pauper and only has five hours each week to spend on legal matters. Petitioner needs 150 days to write a petition. Accordingly, the citizen-attorneys need to appoint a blue ribbon panel to re-write the Rules of this corrupt, illegal licensed attorney court. Accordingly, the ~~forma~~ pauperis department and the RULES of this licensed attorney court have established a "two tier system of justice" in the highest court of this land, and violates Petitioner's Fifth Amendment rights, and 90% of the United States citizens' rights.

8. PETITIONER STATE COURT ACTION REMOVED TO FEDERAL COURT BASED ON A CIVIL RIGHT'S ISSUE, WAS ILLEGALLY REMANDED BACK TO STATE COURT, AND PETITIONER IS ENTITLED AN APPEAL  
THE APPELLATE COURT'S ORDER DENYING PETITIONER THE RIGHT TO AN APPEAL VIOLATES PETITIONER'S FIFTH AMENDMENT RIGHTS

Certiorari should be granted for two reasons: This Petition presents an issue resolved by this Court, with the overlay that this "licensed attorney" Court specifically and unequivocally decided the issue in favor of Petitioner based on past case law with the same facts; further, the Opinion below conflicts, by previous decisions of this Court and with the decision of another Circuit.

This Court has implicitly held that a state court action that has been remanded to state court, with an issue involving a civil rights issue under section 1443, is reviewable under appeal.

In Georgia v Rachel, 384 US 780, 16 LEd2d 925, 86 SCt 1783 (1966), the court held:

"Provision in section 901 of Civil Rights Act of 1964 (28 USC 1447(d) that order remanding civil rights case to state court from which it was removed pursuant to 28 USC 1443 shall be 'reviewable by appeal or otherwise', opens way for immediate appeal."

The fraudulent orders dated entered on July 21,1993 by the Eleventh Circuit "illegal licensed attorney" justices in Appeal No. 93-2096 (See Appendix "A"), is in direct conflict with this Court as enumerated in the above-cited in the Georgia case. Petitioner's First Amended Counterclaim involves a civil right's issue under 28 USC 1443 (See Appendix "C" - COUNT ONE, paragraph 10). Accordingly, Petitioner had a clear right to an appeal for the "illegally" remanded complaint back to state court. Further, the Theratron Products, Inc. case cited by the Eleventh Circuit "illegal licensed attorneys" justices willfully, intentionally, wantonly, maliciously and fraudulently, pursuant to "prior agreement and personal motivation", did not pertain to the facts in the instant action, when in fact, the Theratron products, Inc. case pertains to a "diversity of citizenship" issue, and NOT a civil right's issue under 28 USC 1443. Further, the second fraudulent order entered on July 21,1993, in the "companion appeal", No. 93-2096 (Appendix "A"), engaged in additional willful, intentional, wanton, malicious and fraudulent conduct against Petitioner by confirming the "illegally" remanded state court complaint by using additional "fraudulent case law" which had NO facts which were similar to the instant action, when in fact, the case law was "garbage case law" and had nothing to do with the instant action. THE CASE LAW CITED BY THE "ILLEGAL LICENSED ATTORNEY" - JUSTICES - WAS "FRAUD OF THE FIRST ORDER".

Title 28, United States Code, Section 1447(d), states:



"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443, of this Title[28 USC 1443] shall be reviewable by appeal or otherwise."

Title 28, United States Code, Section 1443, states:

"Any of the following civil actions commenced in a State Court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

The appellate court had a clear right to permit Petitioner to file a BRIEF, and to have meaningful access to the appellate court to prevent the state court action from being remanded back to state court as enumerated in the above-cited 28 USC 1443 and 28 USC 1447(d). There is obviously a "two tier system of justice" in the United States Courts, with the overlay that citizen-attorneys and paupers cannot gain meaningful access to the United States to have the law and facts and evidence admitted into existence.

In Meadows v Bicrodyne Corp., 559 FSupp 57 (ND Cal 1983), the Court held:

"Plaintiff's failure to object to untimely filing of removal petition when their motion to remand is first heard and their attempt to defend against motions and to bring substantive motions of their own constitute waiver of objections to removal."

In Financial Timing Publications, Inc. v. Compugraphic Corp., 893 F2d 936 (CA8 Minn 1990), the Court held:

"Plaintiff waived defendant's failure to comply strictly with 30-day limit for filing removal petition where it did not raise issue in District Court, evidence showed that plaintiff did not object to removal, did not contest it, and participated in pretrial proceedings in federal court for over one year."

The trial level court and the appellate court had a clear right NOT to remand the action back to state court as an "operation of law", and to permit Petitioner to write a BRIEF in an appeal, since Respondent filed NO pleading in opposition to Petitioner's Petition For Removal and Petitioner's Motion To Vacate (See Appendix D\* and "E"), as enumerated in the above-cited Meadows case and the Financial Timing Publications, Inc. case. Accordingly, the Eleventh Circuit is in direct conflict with other circuits on this issue.

In Harris v. Blue Cross/Blue Shield, Inc., 951 F2d 325, 327 (CA11 1992), the Court held:

"An order remanding a case to the state court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the state court from which it was removed pursuant to section 1443 of this title shall be reviewed by appeal or otherwise."

The "sleazy, corrupt, dishonest, unethical, illegal licensed attorney" (hereafter, "SCDUILA") justices on the Eleventh Circuit Court of Appeals are the "ultimate" and "paragon" of corruption in the United States judicial system. Petitioner cited in Petitioner's jurisdictional statement to the Eleventh Circuit the aforesaid Harris case, which was issued by the Eleventh Circuit itself (See Appendix "F" - jurisdictional statement with Harris case). Because Petitioner

is a citizen-attorney and a pauper, the "SCDUILA" of the Eleventh Circuit would not even admit the Harris case existed when it pertained to Petitioner in reference to 28 USC 1443. THE INSTANT PETITION IS A CALL TO ARMS! Each and all so-called licensed attorneys, and their families and supporters, ... at all cost! TIME IS OF THE ESSENCE. The United States Courts are now ONLY for a privilege class citizen who falls into a "selective enforcement of law class of persons" who so-called "licensed attorneys" will admit the law into existence.

Accordingly, it is self-evident that this "illegal licensed attorney" court has a clear right to grant certiorari based on the afore-said case law and facts and evidence. Of course, this corrupt, illegal licensed attorney, does not honor citizen-attorney and pauper's rights and property unless they are represented by "SCDUILA" at \$300.00 per hour in artificial-monopolistic legal fees.

---

## VI. CONCLUSIONS

---

The present case is illustrative of persistent and serious misapplication of the law by the United States Court of Appeals for the Eleventh Circuit in connection with an important phase of the judicial business of both that Court and this Court. In far too many cases, the Eleventh Circuit Court of Appeals has been turning the United States Courts into an obstacle course for citizen-attorneys (Pro Se is void, null and illegal - establishes a "two tier system of

justice") and/or Forma Pauperis litigants. Here, for example, Petitioner had a clear right to have Petitioner's State Court Complaint tried in federal courts under 28 USC 1443, with the overlay of not having the State Court action remanded to back to State Court, and the right to write a BRIEF in the appellate court. The United States Court of Appeals for the Eleventh Circuit has subjected Petitioner to a course of fraudulent conduct pursuant to "prior agreement" and "personal motivation" and "outside the court's authority" (NOT a "judicial act"), and refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, and refused and continued to refuse to permit Petitioner to have meaningful access to the court to write a BRIEF to show that the trial level court "illegally" remanded the action back to state court.

The course being followed by the Eleventh Circuit Court of Appeals frustrates the sound and efficient administration of justice. In cases of this sort, the Eleventh Circuit Court of Appeals is applying the appellate statutes pertaining to citizen-attorneys and forma pauperis citizens under 28 USC 1443 in a manner which is unjust, discriminatory and unlawful. This "licensed attorney" Court alone can correct the situation, and correction is urgently needed.

It conclusively appears that the Eleventh Circuit Court of Appeals erred by denying Petitioner meaningful access to the Eleventh Circuit Court of Appeals by denying Petitioner the right to have meaningful access to the court to write a BRIEF to reverse the trial level's course of illegal conduct to "illegally" remand the action back to state court by issuing a "REMANDING - CAMOUFLAGE ORDER". Such a course has violated Appellant's Fifth Amendment rights, since the



said actions were pursuant to "prior agreement and personal motivation" and "outside the court's authority" (NOT a judicial act).

It is self-evident that Petitioner, and the "90% citizen", including but not limited to, the citizens of the various State and the United States, have been subjected, once again, to the "two tier system of justice" established in the judicial branch of government in the United States by the "licensed attorneys - federal judges", using the "thinly disguised private corporation" to maintain the artificial-monopolistic legal fee rate of \$300.00 per hour. The United States Courts, and this Court, pursuant to "prior agreement and personal motivation and outside the court's authority" (not a judicial act), have refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour.

Since each and every citizen is held accountable to the law whether the citizen knows the law or not, it conclusively appears that the said citizen has a clear right to be taught primary and secondary legal research and open court litigation skills, and the ability to read and write the English language to a high school level (each and all of the aforesaid courses are at no cost and expense to the citizen), in a "technological-bureaucratic-democratic" society, so the said citizen can protect their rights and property, and to perform the citizen's social and legal responsibilities. Further, it conclusively appears that the present Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure and the associated Rules of Evidence, are void, null and illegal, in that they were written by and

for the "privilege-illegal-KING-AND-QUEEN-class" of "licensed attorney", solely for the purpose to maintain a monopolistic legal fee rate of \$300.00 per hour. Accordingly, it conclusively appears that each and every citizen is entitled to "attorneys fees" to ensure that due process and equal protection of law prevails, and no "privilege class" usurps the judicial branch of government from the people. IT CONCLUSIVELY APPEARS THAT WE NO LONGER HAVE A GOVERNMENT BY AND FOR THE PEOPLE, BUT BY AND FOR "ILLEGAL LICENSED ATTORNEYS", unless this Court GRANTS each and every issue in the instant appeal. In addition, it conclusively appears that the entity designated as "licensed attorney" is illegal under the Constitution and Laws of the United States and the Declaration of Independence, and the Constitution of the State of Florida, since the entity know as "licensed attorney", sets-up a "privilege class" in the judicial branch of government, and prevents a "check and balance" system in the three branches of government. It conclusively appears that the law has become "meaningless and useless" in the year A.D. 1993; the "privilege class - licensed attorney - KING AND QUEEN" has changed this nation from a nation of "laws" to a nation of "men". The FOUNDING [MOTHERS] AND FATHERS would not accept the United States today, since the FOUNDING [MOTHERS] AND FATHERS' nation was not based on "men" ("illegal licensed attorneys"). The FOUNDING [MOTHERS] AND FATHERS' nation was based on morals, principles, ethics, honesty and "law", but "NOT" on FRAUD and GREED and "men" ("illegal licensed attorneys").

It conclusively appears that the so-called "illegal licensed attorneys" have established a "monopoly", and Petitioner, and the "90% citizen", cannot afford a licensed attorney at the artifi-

cial-monopolistic legal fee rate of \$300.00 per hour. Accordingly, 90% of the citizens rights and property are being adversely affected. Further, a citizen cannot receive justice in the United States Courts in the year A.D. 1993 unless the citizens can pay an attorney \$300.00 per hour, or place thousands of dollars as legal-retainer-fee, and have the money to pay "cash under the table" to "licensed attorneys - Florida judges", to have the law and facts and evidence as being admitted into existence when it pertains to the said citizen. It conclusively appears that THE AMOUNT OF JUSTICE RECEIVED IN THE UNITED STATES IN THE YEAR A.D. 1993 IS DIRECTLY PROPORTIONAL TO THE AMOUNT OF MONEY THE CITIZEN HAS. The aforesaid is a very dangerous situation for the "90% citizen".

It conclusively appears that Petitioner has once again been placed in a "class of persons" to be subjected to the "two tier system of justice" to have the law and facts and evidence being denied in existence when it pertains to Petitioner, citizen-attorney and a pauper, and not able to locate counsel at the artificial-monopolistic legal fee rate of \$300.00 per hour, with the overlay that Petitioner has once again been denied due process and equal protection of the law in the United States Courts. Further, it conclusively appears that the Eleventh Circuit Court of Appeals issued the said "fraudulent" orders pursuant to "prior agreement and personal motivation and outside the court's authority" (not a judicial act), to harass, intimidate and deny Petitioner "meaningful" "ACCESS" to the United States Courts, with the overlay that the "thinly disguised private corporation" of so-called "licensed attorneys" in the judicial branch of government in United States are bent on undermining

the Laws of the United States to ensure that no citizen-attorney and/or pauper citizen gains "meaningful" "ACCESS" to the United States Courts, unless the citizen can afford to hire a so-called "licensed attorney" at the artificial-monopolistic legal fee rate of \$300.00 per hour. Further, this court has a clear right to entertain, or review, each and every pending issue in Appendix "D" and "E" and "F", to ensure Petitioner's rights and property are not adversely affected, and to ensure that the TAXPAYERS and the litigants are NOT subjected to additional cost and expenses, since to remand the case back to the Eleventh Circuit Court of Appeals before entertaining the aforesaid issues will subject the TAXPAYERS and the litigants to TRIPLE AND QUADRUPLE COST AND EXPENSE. Further, Petitioner request this Court to declare that the First Amended Counterclaim in Appendix C" states a cause of action and is meritorious, and that this procedure will prevent double and triple cost to the litigants and taxpayers.

Further, Appellant request this Court to issue an opinion addressing the following issues: (1) that each and every citizen has a clear right to be taught primary and secondary legal research and open court litigation skills and the ability to read and write the English language to a high school level to ensure the said citizen's Fifth Amendment rights and Fourteenth Amendment rights are not violated since EACH AND EVERY CITIZEN IS HELD ACCOUNTABLE TO THE LAW WHETHER THE CITIZEN KNOWS THE LAW OR NOT; (2) that the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, and the State of Florida Rules, are void, null and illegal since the said rules violate the Fifth Amendment and Fourteenth Amendment, and a "Blue



Ribbon Panel" of citizens, who are not licensed attorneys and who have completed a course in primary and secondary legal research, write a "new" set of "RULES" that do not deny citizen-attorneys and pauper citizens due process and equal protection of the law, since 90% of the citizens only have five hours a week to spend on legal matters; (3) that the entity designated as "licensed attorney" is void, null and illegal since the said entity violates the Declaration of Independence and Constitution of the United States, including but not limited to, the Fifth ~~Amendment~~ and the Fourteenth ~~Amendment~~, and the Constitution of the State of Florida, and no privilege class is permitted in each and all branches of government to ensure a "check and balance" system exist, and we have a government BY AND FOR THE PEOPLE and not by and for licensed attorneys; (4) that the licensed attorneys have established a "thinly disguised private corporation" and a "two tier system of justice" and a "monopoly" in the judicial branch of government (State of Florida and the Middle District of Florida) to maintain an artificial-monopolistic legal fee rate of \$300.00 per hour in direct violation of the Clayton Act and Sherman Act and the various Anti-Trust Laws of the State of Florida; (5) that "90%" of the citizens cannot afford to hire a licensed attorney at the artificial-monopolistic legal fee rate of \$300.00 per hour and such a course violates the Fifth ~~Amendment~~ and the Fourteenth ~~Amendment~~; (6) that the amount of justice received in the State of Florida and the United States of America in the year A.D. 1993 is based on the amount of money the citizen has, and such a course violates the citizen's rights of due process and equal protection of the law, specifically, the Fifth ~~Amendment~~ and the Fourteenth ~~Amendment~~;

(7) that each and every citizen has a clear right to obtain attorney's fees ("litigating fees") for the time and money spent to prepare, file and present a lawsuit in the State of Florida and United States, and to deny the said citizen the attorney's fees is to violate the citizen's Fifth Amendment rights and Fourteenth Amendment rights; (8) that this court dismantle the "thinly disguised private corporation", and the associated "monopoly", that has been established in the judicial branch of government in the Middle District of Florida and the State of Florida, and which is in direct violation of the Clayton Act and Sherman Act and the various Anti-Trust Laws of the State of Florida; and enter an opinion that states that each and every citizen is held accountable to the law whether the citizen knows the law or not, and to prevent the said citizen from being denied due process and equal protection of the law, the United States is to establish "teaching centers" in each and every county in the various States to teach primary and secondary legal research and open court litigation skills and courses to read and write the English language to a high school level; further, a "Blue Ribbon" panel is to be elected from each State to re-write the Federal, and the various States, Rules of Civil and Criminal Procedure, so the said Rules are "NOT" monopolistic, solely for "illegal licensed attorneys"; and each and every member of the aforesaid "Blue Ribbon Panel" must have completed the said course at the "teaching center" in primary and secondary legal research; in addition, the court's opinion must reach the issue that each and every citizen has a clear right to be a State Court Judge or a Federal Judge once the citizen has completed the "teaching centers" course in primary and second legal research and

open court litigation skills, and the aforesaid procedure will prevent the said citizens from being denied due process and equal protection of the law since the so-called "licensed attorney" is a "privilege class" and is "illegal"; further, no citizen can serve on a "trial by jury" or a "grand jury" until the said citizen has completed the course in primary and secondary legal research and open court litigation skills at the said "teaching center"; (9) Declare that the "thinly disguised private corporation" in the Judicial Branch of Government in the State of Florida must be dismantled immediately; declare that "Florida State Court Judges", and their "co-conspirators - illegal licensed attorneys", have acted illegally by restraining and eliminating actual and potential competition in "legal matters" and submarkets thereof in the State of Florida and the Middle District of Florida by "unequally applying the law", pursuant to "prior agreement and personal motivation and outside the court's authority (not a judicial act) (refusing and continuing to refuse to admit the law and facts and evidence exist when it pertains to citizen-attorneys and/or pauper litigants), and "manufacturing pleadings and hearings" against Pro Se and/or pauper litigants; declare that each and every court hearing and oral deposition is to be "tape recorded", and the court reporter's transcript must match the "tape recording" before the transcript is filed in a lawsuit, or a conference is held to explain the discrepancy; declare that to defray the cost to litigants and the taxpayers, that a "tape recording" can be made of hearings without a court reporter present; declare that "Florida State Court Judges" have acted illegally in achieving and maintaining a "monopoly" of "legal matters" in the State of Florida

and the Middle District of Florida, and submarkets thereof; declare that "Florida State Court Judges", and their "co-conspirators - illegal licensed attorneys", have acted illegally by denying citizen-attorneys and pauper litigants the right to gain "meaningful" "ACCESS" to the Florida Courts to obtain the benefits of a free market and competitive market; (10) declare that the "entity" known as "Florida Licensed Attorney" is illegal, void and null under the Fifth Amendment and Fourteenth Amendment of the United States Constitution and the Declaration of the Independence, and the Constitution of the State of Florida, in that a "two tier system of justice" has been established by "licensed attorneys - federal judges" and "Florida State Court Judges", and their "co-conspirators - illegal licensed attorneys", in the Middle District of Florida and the State of Florida, and the aforesaid "two tier system of justice" denies citizen-attorneys their property, but an "illegal licensed attorney" can receive their property; declare that Appellant has been denied his property and due process and equal protection of the law as a citizen-attorney Florida citizen-litigant; declare that the Florida Rules of Appellate Procedure, No. 9.400, is illegal, void and null; declare that Appellant has a clear right to gain "meaningful" "ACCESS" to the Florida Courts and the Middle District of Florida Courts after completing a "State-Wide-Test" established for each and every Florida citizen to take after completing the primary and secondary legal research course and open court litigation course, and to subsequently be elected or appointed a Florida State Court Judge; declare that Article 5, Sections 8, 15, 17, 18 of the Florida Constitution, are illegal, void and null in that a Florida citizen does not have to be



a "member of the bar of Florida" to gain "ACCESS" to the Florida courts as an elected or appointed judge, and declare that the afore-said "articles" were instituted to ensure that the power of the judicial branch of government is not derived from the consent of the people, but a "privilege class" of "illegal licensed attorney" to ensure an artificial-monopolistic legal fee rate of \$300.00 per hour prevails, and to ensure that the Florida citizens' right to freedom of speech is "meaningless", since the "illegal licensed attorney - Florida State Court Judges" are nothing more than a "CLONE" of the "status quo", and if the Florida citizen "speaks-up", the said citizen is subjected to "starvation and economic deprivation" by the "illegal licensed attorneys - Florida State Court Judges" and their "wealthy - status quo - clients"; declare that the United States Marshals Service, and the various "County-Bailiffs", have become a "private paramilitary army" for the "illegal licensed attorney - federal judges" and the Florida State Court Judges" to issue "SHAM ORDERS" to deprive Petitioner, and others similarly situated, of their property and rights, and to harass and intimidate citizens in the State of Florida and the Middle District of Florida who will not accept the "SHAM ORDERS" issued pursuant to "prior agreement and personal motivation and outside the court's authority" (not a judicial act); that the said "clone orders" are being issued by citizens who are a "clone of the king and queen mentality", and accordingly, under the Declaration of Independence, the citizen have the right take the judicial branch of government back from the "clone king and queen" and return it the PEOPLE; (11) declare that the "illegal licensed attorney" have generated "terms" that create a "false image"

that "licensed attorneys" are "legal" and are the only citizens that have a right to the courts; declare that the entity known as "licensed attorneys" are "illegal", and declare that the "terms" "paralegal, legal assistant, jail house lawyer" are void, null and illegal "terms" in a legal "context", and signify a "two tier system of justice" in the United States and the various States; declare that each and all citizens have the right to elected or appointed to judgeship to "INTERPRET THE LAW", and that the "INTERPRETATION OF LAW" is NOT just for the "King and Queen - privilege class - illegal licensed attorney"s - declare this is a government BY AND FOR THE PEOPLE.

Since the following petitions have the same controlling issue as the instant petition, specifically, the "licensed attorney judges" refused and continued to refuse to admit the law and facts and evidence existed when it pertained to Petitioner, a citizen-attorney and a pauper and not able to locate counsel at \$300.00 per hour in artificial-monopolistic legal fees, and having no money for a filing fee, with the overlay that Petitioner was denied the right to DISCOVERY and a TRIAL BY JURY even though there were facts and issues in dispute, this "licensed attorney court" will reconsider to the end the following Petitions:

1. Roy A. Day, petitioner, v. J. Evans Attwell, et al., 476 U.S. 1173, 106 S.Ct. 2900, 90 L.Ed. 2d 986 (June 9, 1986), Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

2. Roy A. Day, petitioner, v. Allstate Insurance Company, 476 U.S. 1173, 106 S.Ct. 2900, 90 L.Ed. 2d 986 (June 9, 1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Eighth Circuit.

3. Roy A. Day, petitioner, v. United States Court of Appeals for the Fifth Circuit, et al., 476 U.S. 1161, 106 S.Ct. 2285, 90 L.Ed. 2d 726 (June 2, 1986). Petition For writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.

4. Roy A. Day, petitioner, v. Continental Insurance Companies, 476 U.S. 1120, 106 S.Ct. 1984, 90 L.Ed.2d 666 (May 19,1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
5. Roy A. Day, petitioner, v. CMC Corporation, 476 U.S. 1122, 106 S.Ct. 1988, 90 L.Ed.2d 669 (May 19,1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
6. Roy A. Day, petitioner, v. Jack Pope, Chief Justice, et al., 476 U.S. 1107, 106 S.Ct. 1954, 90 L.Ed2d 362 (May 5,1986). Petition For Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.
7. Roy A. Day, petitioner, v. Continental Insurance Companies, 475 U.S. 1126, 106 S.Ct. 1652, 90 L.Ed.2d 195 (April 21,1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Eighth Circuit.
8. Roy A. Day, petitioner, v. Amoco Chemicals Corporation, 474 U.S. 1065, 106 S.Ct. 818, 88 L.Ed.2d 791 (January 13,1986). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
9. Roy Anderson Day, petitioner, v. Bruce Wettman, Judge, et al., 474 U.S. 1035, 106 S.Ct. 600, 88 L.Ed.2d 579 (December 16,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
10. In re Roy A. Day, petitioner, 474 U.S. 943, 106 S.Ct. 340, 88 L.Ed.2d 325 (November 4,1985). Petition For Common Law writ Of Certiorari.
11. Roy A. Day, petitioner, v. Norman W. Black, Judge, United States District Court for the Southern District of Texas, et al., 474 U.S. 922, 106 S.Ct. 255, 88 L.Ed.2d 262 (October 21,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
12. In re Roy Anderson Day, petitioner, 474 U.S. 814, 106 S.Ct. 212, 88 L.Ed2d 181 (October 7,1985). Petition For Writ Of Mandamus.
13. In re Roy Anderson Day, petitioner, 474 U.S. 813, 106 S.Ct. 210, 88 L.Ed2d 180, (October 7,1985). Petition For Writ Of Common Law Certiorari.
14. Roy Anderson Day, petitioner, v. Reagan Cartwright, et al., 471 U.S. 1145, 105 S.Ct. 2692, 86 L.Ed2d 709 (June 3,1985). Petition For Rehearing.
15. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation, 471 U.S. 1132, 105 S.Ct. 2667, 86 L.Ed2d 284 (May 28,1985). Petition For Rehearing.
16. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation, 471 U.S. 1095, 105 S.Ct. 2171, 85 L.Ed2d 527 (April 1985). Petition For Rehearing.
17. Roy Anderson Day, petitioner, v. Reagan Cartwright, et al., 471 U.S. 1056, 105 S.Ct. 2119, 85 L.Ed2d 484 (April 22,1985). Petition For Writ Of Certiorari to the Supreme Court of Texas.
18. Roy Anderson Day, petitioner, Amoco Chemicals Corporation, 471 U.S. 1056, 105 S.Ct. 2121, 85 L.Ed2d 485 (April 22,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.



19. Roy Anderson Day, petitioner, v. James DeAnda, Judge, et al.,  
471 U.S. 1050, 105 S.Ct. 2045, 85 L.Ed2d 343 (April 15,1985). Petition For Rehearing.
20. Roy Anderson Day, petitioner, v. Amoco Chemicals Corporation,  
470 U.S. 1086, 105 S.Ct. 1849, 85 L.d2d 147 (March 25,1985). Petition For writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
21. Roy Anderson Day, petitioner, v. James DeAnda, Judge et al.,  
470 U.S. 1030, 105 S.Ct. 1401, 84 L.Ed2d 788 (March 4,1985). Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit.
22. Roy Anderson Day, petitioner, v. Supreme Court of Texas, et al., 470 U.S. 1039, 105 S.Ct. 1415, 84 L.Ed2d 800 (March 4,1985). Petition For Rehearing.
23. Roy Anderson Day, petitioner, v. James DeAnda, et al., 469 U.S. 1206, 105 S.Ct. 1165, 84 L.Ed2d 318 (February 19,1985). Temporary Restraining Order.
24. Roy Anderson Day, petitioner, v. Supreme Court of Texas, et al., 469 U.S. 1194, 105 S.Ct. 974, 83 L.Ed2d 976 (January 21,1985). Petition For Writ Of Certiorari to the Court of Civil Appeals of Texas.
25. Roy A. Day, petitioner, v. James L. Johnson, 111 S.Ct. 392, 112 L.Ed2d 402, U.S. November 5,1990 (No. 90-5741).
26. Roy A. Day, petitioner, v. Rosemary Barkett, 111 S.Ct. 1324, 113 L.Ed.2d 257, 59 U.S.L.W. 3636 (U.S., March 18, 1991) (No. 90-6848).
27. Roy A. Day, petitioner, v. GAF Corporation, 111 S.Ct. 1319, 113 L.Ed.2d 252, 59 U.S.L.W. 3636 (U.S., March 18, 1991) (No. 90-6620).
28. Roy A. Day, petitioner, v. Rosemary Barkett, 111 S.Ct. 1644, 113 L.Ed.2d 738 (U.S. April 22,1991) (No. 90-6848).
29. Roy A. Day, petitioner, v. GAF Corporation, 111 S.Ct. 1643, 113 L.Ed2d 738 (U.S. April 22,1991) (No. 90-6620).
30. In re Roy Anderson Day, petitioner, (No. 92-8484) Petition For Writ Of Mandamus.
31. In re Roy Anderson Day, petitioner, (No. 92-8649) Petition For Writ Of Mandamus.
32. In re Roy Anderson Day, petitioner, (No. 92-8408) Petition For Writ Of Mandamus.
33. Roy A. Day, petitioner, v. Walter C. Heinrich, et al. (Petition For Writ Of Certiorari, No. 92-8888).
34. Roy A. Day, petitioner, v. Donald P. Day, (Petition For Writ Of Certiorari, No. 92-8788).
35. Roy A. Day, petitioner, v. Vincent Bekiempis, (Petition For Writ Of Certiorari, No. 92-8792).
36. Roy A. Day, petitioner, v. GAF Building Materials Corporation, (Petition For Writ Of Certiorari, No. 92-8905).
37. Roy A. Day, petitioner, v. William J. Clinton, et al., (Petition For Writ Of Certiorari, No. 92-8906).
38. Roy A. Day, petitioner, v. [norman "X." black], et al., (Petition For Writ Of Certiorari, No. 92-9018).
39. Roy A. Day, petitioner, v. Florida Power Corporation, (Petition For Writ Of Certiorari, No. 92-9101).



Petitioner was unable to locate counsel at \$300.00 per hour in artificial-monopolistic legal fees, and to pay a filing fee, for the instant Petition, and the associated Petitions filed by Petitioner in this Court, supra, and such a course has adversely affected Petitioner's rights and property, with the overlay that this "illegal" licensed attorney<sup>1</sup> court, and the lower courts refused to admit the law and facts and evidence existed when it pertained to Petitioner. Accordingly, this Court has a clear right to entertain the instant petition, and the associated petitions, supra, since 90% of the citizens in the United States and the various States are being affected by the same course of illegal conduct by so-called "licensed attorneys" in association with this corrupt, "illegal licensed attorney" court.

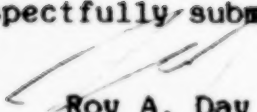
Petitioner further prays that this Court grant the United States QUADRUPLE COST for the "true and correct Respondents" conspiring with the "illegal licensed attorneys - United States judges" to "manufacture pleadings and hearings" and not honestly and ethically entertain the true and correct law and facts and evidence when it pertained to Petitioner, and for needlessly and unnecessarily costing the TAXPAYERS; granting Petitioner TRIPLE COST and attorneys' fees, and grant Petitioner such other and further relief as it may deem to be just and equitable<sup>1</sup>.

---

<sup>1</sup> If this Court elects not to address the issues presented in this writ at the present time, it is requested that the writ issue and that the matter be remanded to the United States Court of Appeals for the Eleventh Circuit for determination in light of this Court's opinion in Georgia, supra, and in the conflict with

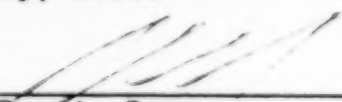
DATED: July 23, 1993.

Respectfully submitted,

  
Roy A. Day  
P.O. Box 33  
Tarpon Springs, Florida 34688-0033

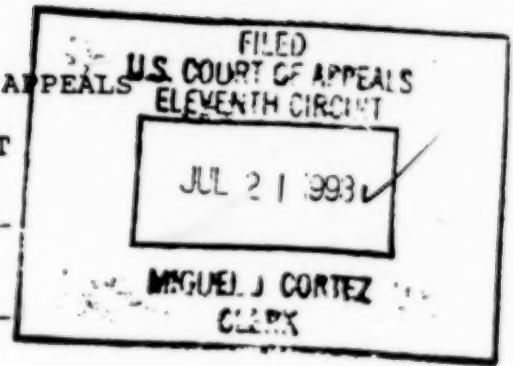
VII. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing petition has been forwarded to David C. Levenreich, 1230 South Myrtle Avenue, Suite 206, Clearwater, Florida 34616, via first class mail on this 23rd day of July, 1993.

  
\_\_\_\_\_  
Roy A. Day

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

NO. 93-2096



DONALD P. DAY,

Plaintiff-Appellee,

versus

ROY A. DAY,

Defendant-Appellant.

Appeal from the United States District Court for the  
Middle District of Florida

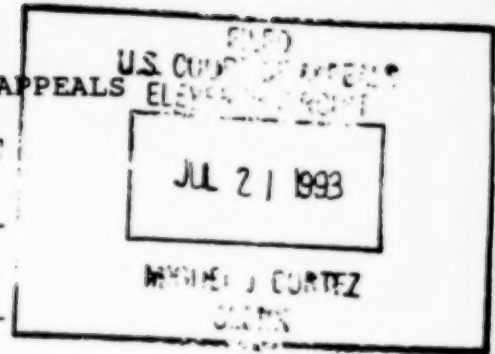
Before BIRCH, BLACK and CARNES, Circuit Judges.

BY THE COURT:

The appeal is DISMISSED for lack of jurisdiction. A district court order remanding an action to the state court from which it was removed is not subject to appellate review. See 28 U.S.C. § 1447(d); Thermtron Products, Inc. v. Hermansdorfer, 423 U.S. 336, 96 S.Ct. 584, 46 L.Ed.2d 542 (1976).

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

NO. 93-2130



DONALD P. DAY,

Plaintiff-Counterdefendant-Appellee,

versus

ROY A. DAY,

Defendant-Counterclaimant-Appellant,

JOHN S. ANDREWS, Florida State Court Judge,  
DAVID C. LEVENREICH, Esq., Florida Licensed Attorney,  
J. HARRIS COOK,  
JOHN DOE,  
JANE DOE,

Counter-Defendants.

Appeal from the United States District Court for the  
Middle District of Florida

Before BIRCH, BLACK and CARNES, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED. After remand, a second petition for removal on the same grounds that led to the initial removal may not be maintained. See St. Paul & C. Railway Co. v. McLean, 108 U.S. 212, 2 S.Ct. 498, 27 L.Ed. 703 (1883); Smith v. Student Non-Violent Coordinating Committee, 421 F.2d 522 (5th Cir. 1969). The district court therefore properly dismissed appellant's second petition for removal.



Bu

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DONALD P. DAY,

Plaintiff,

v.

Case No. 93-127-CIV-T-15(B)

ROY A. DAY,

Defendant.

---

R E M A N D O R D E R

Before the Court is the defendant's petition for removal (D-1).<sup>1</sup>

The defendant filed his petition for removal on January 22, 1993. In his petition for removal, defendant states that the original complaint was filed in state court on November 18, 1992. The defendant was also served on November 18, 1992. The procedure for removal is governed by 28 U.S.C § 1446. Section 1446(b) requires that a defendant file a petition for removal within thirty days after the receipt of the initial pleading. The defendant has

---

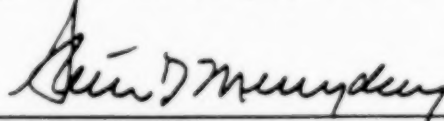
<sup>1</sup> This Order is referred for signature to The Honorable Steven D. Merryday pursuant to Middle District of Florida Local Rule 1.03(c)(2).

filed his petition well after the thirty day requirement.

Accordingly, it is ORDERED:

1) That this case is remanded to the Circuit Court of the Sixth Judicial Circuit for Pinellas County.

ORDERED on January 25, 1993 in Tampa, Florida.



---

STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE

Copies to  
Counsel of Record

GM

FILED - CIVIL

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DONALD P. DAY,

Plaintiff

V.

CASE NO. 93-160-Civ-T-21B

ROY A. DAY,

Defendant

---

ORDER

Before the Court is the removal petition (Dkt. #1), filed by Defendant, Roy A. Day. The Defendant previously attempted to remove this same action by filing a petition for removal on January 22, 1993.<sup>1</sup> The Honorable Steven D. Merryday determined that the Defendant's first removal petition was untimely because it was not filed within 30 days after the Defendant's receipt of the initial pleading, as required by 28 U.S.C. § 1446. On January 26, 1993, Judge Merryday entered an Order remanding the case to state court.

This second removal petition is essentially a request to reconsider Judge Merryday's prior decision. The Defendant is apparently unaware that, after the district court remands a case to state court, the district court is without jurisdiction to vacate or

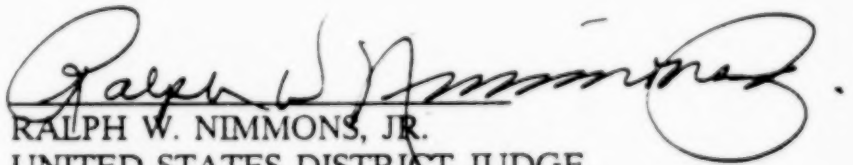
---

<sup>1</sup> The original removal action is Day v. Day, Case No. 93-127-Civ-T-15B.

reconsider its prior ruling. Seedman v. United States District Court for the Central District of California, 837 F.2d 413, 414 (9th Cir. 1988); New Orleans Public Service, Inc. v. Majoue, 802 F.2d 166, 167 (5th Cir. 1986); Stanley v. Kelly, 758 F.Supp. 1487, 1488 (S.D. Fla. 1991); Shoals T.V. & Appliance v. Auto Owners Ins., 791 F.Supp. 283, 287 (N.D. Ala. 1992).

Accordingly, this cause is hereby **DISMISSED**.

**DONE AND ORDERED**, at Tampa, Florida, this 2<sup>nd</sup> day of February, 1993.

  
RALPH W. NIMMONS, JR.  
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record  
Roy A. Day, pro se